

July 2017

**Greater Bunbury
Region Scheme
Amendment 0047/57
(Minor Amendment)**



Lot 6238 Mitchell Road,
Benger

Report on Submissions

Shire of Harvey



**Greater Bunbury Region Scheme
Amendment 0047/57
(minor amendment)**

Lot 6238 Mitchell Road, Benger

Report on Submissions

Shire of Harvey



July 2017

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GBRS Amendment 0047/57 Report on Submissions
File RLS/662

Published July 2017

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formats on application to Communications Services.

Introduction to Greater Bunbury Region Scheme minor amendments

The Western Australian Planning Commission (WAPC) is responsible for keeping the Greater Bunbury Region Scheme (GBRS) under review and initiating changes where they are seen as necessary.

The GBRS sets out the broad pattern of land use for the whole Greater Bunbury area. The GBRS is constantly under review to best reflect regional planning and development needs.

An amendment proposal to change land use reservations and zones in the GBRS is regulated by the *Planning and Development Act 2005*. That legislation provides for public submissions to be made on proposed amendments.

For a non-substantial amendment, often referred to as a minor amendment (made under Section 57 of the Act), the WAPC considers all the submissions lodged, and publishes its recommendations in a *Report on Submissions*. This report is presented to the Minister for Planning for approval. The amendment takes legal effect with Gazettal of the Minister's approval.

In the process of making a non-substantial amendment to the GBRS, information is published as a public record under the following titles:

Amendment Report

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

Environmental Review Report

The Environmental Protection Authority must consider the environmental impact of an amendment to the GBRS before it can be advertised. While formal assessment would be unlikely for a non-substantial amendment, were it required then an environmental review would be undertaken and made available for information and comment at the same time as the *Amendment Report*.

Report on Submissions

The planning rationale, determination of submissions and the WAPC's recommendations for final approval of the amendment, with or without modification, is documented in this report.

Submissions

This document contains a reproduction of all written submissions received by the WAPC on the proposed amendment.

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Greater Bunbury Region Scheme Amendment 0047/57

Lot 6238 Mitchell Road, Benger

1 Introduction

The purpose of this amendment proposal is to rezone Lot 6238 Mitchell Road, Benger from Regional Open Space reservation to Rural zone. The reservation appears to be a historical 'carry over' and is an error. The proposed rural zone would be consistent with the land use on the lot as well as the zoning of surrounding land.

2 The proposed amendment

Lot 6238 Mitchell Road, Benger is located adjacent to Benger Swamp, between Harvey and Brunswick townsites. The lot is reserved for Regional Open Space under the Greater Bunbury Region Scheme (GBRS). The lot is also reserved as such under the Shire of Harvey District Planning Scheme No. 1 (DPS No. 1).

Lot 6238 is 20.38 hectares in area. The lot is cleared except for a few stands of remnant vegetation. The land has been used for agricultural purposes (grazing) for over 20 years. The reservation appears to be a historical 'carry over' and is an error. The proposed Rural zone would be consistent with the zoning of surrounding land.

The lot is traversed by a public road that runs from Mitchell Road to Benger Swamp. This is an unconstructed road reserve which is maintained by the landowner. The road is being included in this amendment and will also be rezoned to Rural. The Department of Parks and Wildlife (DPaW) has requested that this road be retained as it provides vehicular access to Benger Swamp. In the future, DPaW may modify its access to along the northern boundary of Lot 6238 as it is more practical due to the shorter distance.

3 Formal Environmental Protection Authority advice

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

4 Call for Submissions

The amendment was advertised for public submissions from 17 January 2017 to 17 March 2017. The amendment was made available for public inspection during ordinary business hours at:

- i) the Department of Planning, 140 William Street, Perth;
- ii) the Department of Planning, 61 Victoria Street, Bunbury;
- iii) the municipal office of the Shire of Harvey; and
- iv) the State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in The West Australian and South Western Times newspapers. Owners adjacent to the land subject to the proposed amendment were provided with a copy of the Amendment Report and advised of the opportunity to lodge a submission in respect of the proposed amendment.

5 Submissions

When the advertising of the proposed amendment closed, a total of eight submissions had been received.

Of the submissions, all supported or did not have any objection to the proposed amendment.

The submissions were from:

- Department of Aboriginal Affairs;
- Department of Agriculture and Food Western Australia;
- Department of Fire and Emergency Services;
- Department of Health;
- Department of Parks and Wildlife;
- Department of Water;
- Main Roads Western Australia; and
- Shire of Harvey.

A list of the parties who lodge a submission is attached at Appendix B and a copy of each submission is attached to the end of this report.

6 Issues raised in Submissions

The Department of Water (DoW) and the Department of Parks and Wildlife (DPaW) raised issues relating to potential negative impact on the Conservation Category Wetland (CCW) and the need for appropriate buffers.

DPaW would like to maintain the capacity for drainage water supply to continue to the wetlands. DPaW also needs to have vehicular access to the eastern part of the Nature Reserve which has historically been allowed via public road traversing the lot. As such, this road reserve is to remain in place. In future, access may be moved to the northern boundary of Lot 6238 as it is more practical due to its shorter distance.

7 Modifications to the amendment

After considering the submission received in respect of the proposed amendment, the WAPC recommended the Minister for Planning approve the proposed amendment, as advertised.

8 Co-ordination of Region and Local Scheme Amendments

Once this GBRS amendment is finalised, the Council will undertake an amendment to DPS 1 to rezone the land to 'General Farming'. Outstanding matters raised above can be addressed as part of this process. In addition, as the land will abut a Regional Open Space reservation, most of the future development will require a development approval under the GBRS. As part of the application process, the application will be referred to DPaW and DoW for comments. As such, the matters relating to buffers can be addressed at that time.

9 Conclusion and recommendation

The report summaries the background and reasoning for Amendment 0047/57 to the GBRS and examines the submissions received. The WAPC thanks those who made submissions.

After considering the submissions received, the WAPC is satisfied the proposed amendment should be finalised, and has recommended the Minister for Planning approve the amendment.

10 Minister's decision

Amendments to the Greater Bunbury Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the proposed amendment.

The Minister, after considering the amendment, has agreed with the recommendation of the WAPC and approved the amendment.

GBRS Amendment 0047/57 is now finalised as advertised as shown on WAPC Amending Plan 3.2696 and has effect in the Greater Bunbury Region Scheme from the date of notice in the *Government Gazette* on 18 August 2017.

APPENDIX A

NOTICE OF ENVIRONMENTAL ASSESSMENT



Environmental Protection Authority

DEPARTMENT OF PLANNING BUNBURY OFFICE	
- 3 JAN 2017	
FILE	RLS/0662

Chief Executive Officer
Western Australian Planning Commission
Sixth Floor Bunbury Tower 61 Victoria Street
BUNBURY WA 6230

Your Ref:
Our Ref: CMS16334
Enquiries: Stephen Pavey, 6145 0800
Email: Stephen.Pavey@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Greater Bunbury Region Scheme Amendment
0047-57
LOCATION: Lot 6238 Michell Road Benger
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations
and Inquiries Conducted. Scheme Amendment
Not to be Assessed Under Part IV of EP Act. No
Advice Given. (Not Appealable)

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

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.

- There is no appeal right in respect of the EPA's decision to not assess the scheme.

Yours sincerely

A handwritten signature in black ink that reads "Liesl Rohl". The signature is written in a cursive, flowing style.

Liesl Rohl
A/Director
Strategic Policy and Planning Division

Delegate of the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 published 17 December 2013

23 December 2016

APPENDIX B

ALPHABETICAL LISTING OF SUBMISSIONS

Alphabetical Listing of Submissions

GBRS Amendment 0047/57

Lot 6238 Mitchell Road, Benger

Submission Number	Name
1	Aboriginal Affairs, Department of
3	Agriculture and Food, Department of
2	Fire and Emergency Services, Department of
Late	Harvey, Shire of
5	Health, Department of
6	Main Roads WA
Late	Parks and Wildlife, Department of
4	Water, Department of

APPENDIX C

SUMMARY OF SUBMISSIONS AND DETERMINATIONS

**AMENDMENT 0047/57 TO THE GREATER BUNBURY REGION SCHEME
AT LOT 6238 MITCHELL ROAD, BENGER
SUMMARY OF SUBMISSIONS AND DETERMINATIONS**

Submission:	1
Submitted by:	Department of Aboriginal Affairs (DAA)
Nature of Interest:	Government Agency
Affected Land:	Lot 6238 Mitchell Road, Benger
Summary of Submission:	<p>1 No known Aboriginal sites or Aboriginal heritage places within Lot 6238. The DAA recommends that proponent taken into consideration the DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments.</p>
Planning Comment:	Noted
Determination:	Submission noted
<hr/>	
Submission:	2
Submitted by:	Department of Fire and Emergency Services (DFES)
Nature of Interest:	Government Agency
Affected Land:	Lot 6238 Mitchell Road, Benger
Summary of Submission:	<p>1 Primary purpose of the amendment is the rationalisation of the GBRS to reflect appropriate zoning on the lot and does not represent intensification of land use. Proposal does not conflict with the objectives or intent of SPP 3.7.</p> <p>2 As such, is compliance with SPP 3.7 required? If SPP 3.7 is applied, DFES requests that relevant information be forwarded to them for review comments.</p>
Planning Comment:	<p>1 Landuse will not change and this amendment is to correctly reflect the existing land use. If and when any additional development is proposed on the lot, the applicant is to address SPP 3.7 and forward to DFES for review.</p>
Determination:	Submission noted
<hr/>	

Submission: 3

Submitted by: Department of Agriculture and Food Western Australia

Nature of Interest: Government Agency

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission: No objection.

Planning Comment: Noted

Determination: Submission noted

Submission: 4

Submitted by: Department of Water

Nature of Interest: Government Agency

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission:

- 1 Shire of Harvey District Planning Scheme No. 1 (DPS 1) zones Lot 6238 as 'Intensive Farming', which becomes relevant in context of protecting the values of the Benger Swamp. Intensification of the current land use could result in unintended impacts on the Conservation Category Wetland (CCW)/Swamp, particularly nutrient loads. In normal circumstances a buffer zone would be sought to protect the CCW from the impacts of intensive agriculture.
- 2 Lot 6238 is traversed by a drain, which it is understood has been managed under an informal arrangement, to supplement the northern portion of the swamp over summer. The DoW recommends that the proposed amendment be referred to the Department of Parks and Wildlife (DPaW), custodian of the Geomorphic Wetlands dataset.
- 3 There may be an opportunity to formalise appropriate management strategies that address the hydrological connections that exist, either through local groundwater or surface water resources.
- 4 The DoW has no objection to the proposed amendment, however the matters outlined above should be addressed.

- Planning Comment:**
- 1 The land is to be rezoned to 'General Farming' under an amendment to DPS 1. This would be consistent with the zoning of the abutting land. The outstanding matters raised above can be addressed as part of this process.
 - 2 The land use on the lot will not change as it has been used for rural purposes for the last 20 years. Additional uses permitted under the 'General Farming' zone will require development approval under the local scheme. These would be referred to the relevant authorities for comments and the matters raised above can be addressed at that time.
 - 3 As the land will abut a Regional Open Space reserve, most of the future development will require a development approval under the GBRS. As part of the application process, the application will be referred to DPaW and DoW for comments. As such, the matters raised can be addressed at the time.

Determination: Submission noted

Submission: 5

Submitted by: Department of Health

Nature of Interest: Government Agency

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission: No objection.

Planning Comment: Noted

Determination: Submission noted

Submission: 6

Submitted by: Main Roads Western Australia

Nature of Interest: Government Agency

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission: No objection.

Planning Comment: Noted

Determination: Submission noted

Submission: Late

Submitted by: Shire of Harvey

Nature of Interest: Local Government

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission:

- 1 Supports.
- 2 rezoning from Regional Open Space to General Farming zone will be undertaken as part of drafting of the Shire of Harvey's Local Planning Scheme No. 2.

Planning Comment: Noted

Determination: Submission noted

Submission: Late

Submitted by: Department of Parks and Wildlife (DPaW)

Nature of Interest: Government Agency

Affected Land: Lot 6238 Mitchell Road, Benger

Summary of Submission

- 1 Although mapping indicates the Conservation Category Wetland (CCW) extends beyond the Benger Swamp Nature Reserve over a portion Lot 6238, DPaW advises that the boundary should coincide closely with the eastern boundary of Benger Swamp as most of the native vegetation on the freehold lot has been cleared.
- 2 The wetlands extending further eastwards across Lot 6238 are classified as Multiple Use Wetland (MUW) though they retain hydrological connections with the CCWs of the nature reserve.
- 3 Any adjacent land use needs to provide an appropriate buffer to the Benger Swamp wetland. The wetland buffer should be measured from the edge of the wetland boundary, which encompasses both waterlogged and inundated areas and the surrounding wetland-dependant vegetation.
- 4 The *Wetlands Position Statement* requires a minimum buffer of 50 metres between CCWs and proposed development.

- 5 Activities that could result in impacts on groundwater quality, water levels and increased sedimentation, nutrient loads or pollution would normally require a buffer of greater than 50 metres. For Benger Swamp, it is considered a buffer in the order of 200 metres from the Nature Reserve boundary would be desirable to protect the wetlands from nutrient intensive land uses (noting that the reserve boundary is not the true wetlands boundary)
- 6 There is a constructed drain through Lot 6238 which historically allowed drainage water to be directed to the Benger Swamp and was maintained by the Water Corporation. DPaW would like to maintain the capacity for drainage water supply to continue to the wetlands. DPaW also needs to have vehicular access to the eastern part of the Nature Reserve which has historically been allowed and is most practical along the northern boundary of Lot 6238.
- 7 Whatever zoning is applied to Lot 6238, DPaW would like to maintain the capacity for management access, provide for ongoing water supply and minimise the risk of excessive nutrient loading or other negative impacts upon the Nature Reserve wetlands due to land uses that may occur on Lot 6238.

Planning Comment:

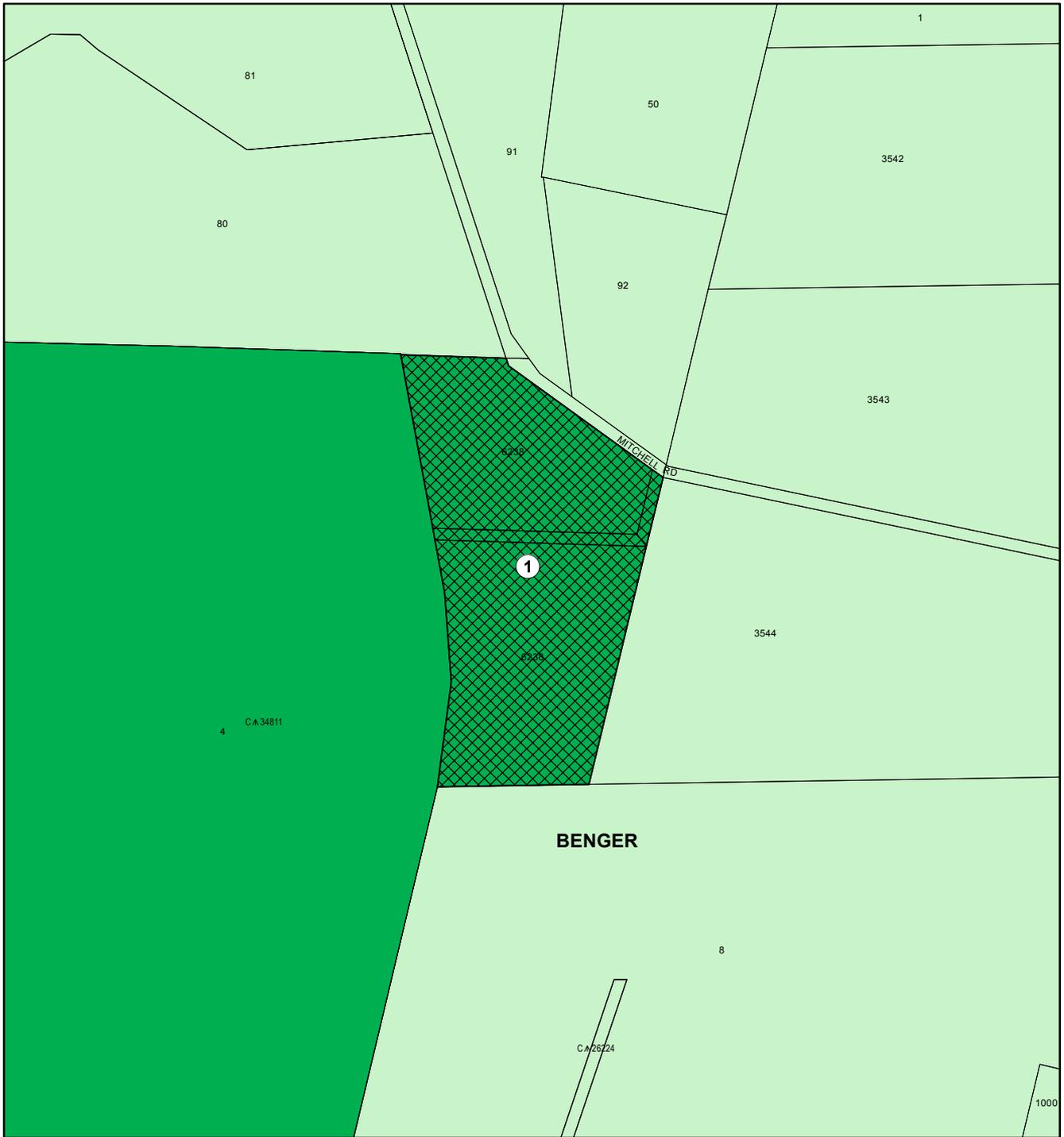
- 1 As the wetland on Lot 6238 is a MUW and not a CCW, DPaW does not object to the whole of the lot being rezoned to Rural.
- 2 Matters relating to the buffer, access road and drainage will be addressed as part of the scheme amendment to DPS 1.
- 3 The landuse on the lot will not change as it has been used for rural purposes for the last 20 years. Additional uses permitted under the 'General Farming' zone will require development approval under the local scheme. These would be referred to the relevant authorities for comments and the matters raised above can be addressed at that time.
- 4 As the land will abut a Regional Open Space reserve, most of the future development will require a development approval under the GBRS. As part of the application process, the application will be referred to DPaW and DoW for comments. As such, the matters raised can be addressed at the time.
- 5 The WAPC will advise the Shire of Harvey that DPaW requests the road reserve within Lot 6238 is to remain to allow access to the Benger Swamp; to maintain the capacity for drainage water supply to continue to the wetlands and the provision of appropriate buffers from Benger Swamp.

Determination:

Submission noted

APPENDIX D

THE AMENDMENT FIGURE AS ADVERTISED



Proposed amendment to the Greater Bunbury Region Scheme
Lot 6238 MITCHELL ROAD & PUBLIC ROAD, BENGER

6 September 2016

Figure 1

Legend

Proposed:



Rural

Existing:



Rural



Regional open space

APPENDIX E

LIST OF PLANS AS ADVERTISED

Lot 6238 Mitchell Road, Benger

Proposed minor amendment

Amendment 0047/57

as advertised

Legal plans

3.2696

APPENDIX F

SUBMISSIONS

48866740 J



Government of Western Australia
Department of Aboriginal Affairs

Submission 1

ENQUIRIES : Matthew Franklin- Ph 6551 8101
OUR REF: 2017/0059-01
YOUR REF: RSL/0662

DEPARTMENT OF PLANNING
06 FEB 2017
FILE RSL/0662

Ms Veronica Martin
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Ms Martin

GREATER BUNUBURY REGION SCHEME AMENDMENT 0047/57 - LOT 6238 MITCHELL ROAD, BENGER

Thank you for your letter dated 17 January seeking comment from the Department of Aboriginal Affairs (DAA) regarding the rezoning of Lot 6238 Mitchell Road.

A review of the Register of Places and Objects as well as the DAA Aboriginal Heritage Database concludes that there are no known Aboriginal sites or Aboriginal heritage places within Lot 6238 Mitchell Road, Benger. Therefore based on the information held by the DAA no approvals under the *Aboriginal Heritage Act 1972* (AHA) are required.

The DAA recommends the proponent takes into consideration the DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments associated with development proposals. These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present.

The guidelines are available at: <http://www.daa.wa.gov.au/heritage/land-use/>.

If you have any queries in relation to the above, please contact myself on (08) 6551 8101 or email matthew.franklin@daa.wa.gov.au

Yours sincerely

Matthew Franklin
TEAM LEADER, HERITAGE

31 January 2017

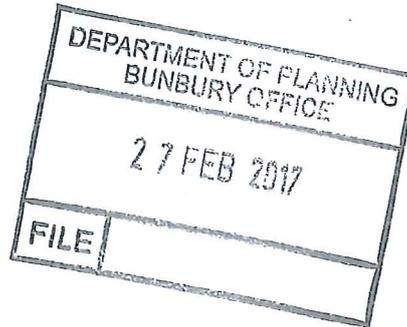


Our Ref: D01349
Your Ref: RLS/0662

WA Planning Commission
6th Floor, Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

By E-mail

Attention: Veronica Martin



Dear Madam

REFERRAL RESPONSE – GBRS AMENDMENT 0047/57 – LOT 6238 MITCHELL ROAD, BENDER

I refer to your correspondence dated 17 January 2017 for the above scheme amendment.

DFES queries the reason this scheme amendment has been referred for comment, and if Statement of Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) applies.

As the primary purpose of the amendment is the rationalisation of the GBRS to reflect appropriate zoning of the subject lot, which does not represent an intensification of land use and the proposals within the amendment do not conflict with the objectives or intent of SPP 3.7, is compliance with the SPP 3.7 required?

Should you apply SPP 3.7, then we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide bespoke comment.

Subject to this, DFES has no further comment to provide at this time.

Should you require further information please contact the DFES Regional office on 9780 1900.

Yours faithfully

DOUG VAN BAVEL
LAND USE PLANNING OFFICER

27 February 2017



Your reference: RLS/0662

Our reference:

Enquiries: Leon van Wyk

22 February 2017

Secretary
Western Australian Planning Commission
Level 6, 61 Victoria Street
BUNBURY WA, 6230
Bunbury.Planning@planning.wa.gov.au

Dear Madam

**COMMENT: Greater Bunbury Region Scheme Amendment 0047/57
Lot 6238 Mitchell Road Benger**

Thank you for the opportunity to comment on the proposed rezoning of Lot 6238 Mitchell Road, Benger from 'Regional Open Space Reservation' to 'Rural Zone'.

The Department of Agriculture and Food Western Australia (DAFWA) does not object to the rezoning of the abovementioned lot as this will ensure that the zoning reflects the current use.

I trust these comments inform your decision on this matter. If you have queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@agric.wa.gov.au

Yours sincerely

Neil Guise
Regional Director
Southern Region

DEPARTMENT OF PLANNING BUNBURY OFFICE	
7 MAR 2017	
FILE	

E-MAILED
28/2/17

SCANNED
28 FEB 2017
Bunbury Office
ID no: _____

Martin, Veronica

From: KELLY Brendan <Brendan.KELLY@water.wa.gov.au>
Sent: Tuesday, 14 March 2017 3:32 PM
To: Martin, Veronica
Cc: Dandridge, Marion
Subject: Greater Bunbury Region Scheme Amendment 0047/57, Lot 6238 Mitchell Road, Benger

14th March 2017

Our Reference: PA12163, WRD346800

Your Reference: RLS/0662

To: Western Australian Planning Commission

From: Department of Water

Attention: Veronica Martin, Marion Dandridge

RE: Greater Bunbury Region Scheme Amendment 0047/57, Lot 6238 Mitchell Road, Benger

Thank you for referring the Greater Bunbury Region Scheme Amendment 0047/57, to the Department of Water (DoW) for comment and further to my telephone discussion with Marion Dandridge on 14th March.

It is understood that the purpose of the proposed amendment is to rezone Lot 6238 Mitchell Road, Benger (Lot 6238) from Regional Open Space (ROS) reservation to Rural Zone.

The Western Australian Planning Commission (WAPC) has advised that:

- the reservation appears to be an historical error, and
- the proposed rural zone would be consistent
 - with the land use on Lot 6238, and
 - the zoning of surrounding land.

Lot 6238 is located within both the 'South West Coastal Groundwater Area' and the 'Brunswick River and Tributaries Surface Water Area', each area being proclaimed under the '*Rights in Water and Irrigation Act 1914*'.

As such DoW seeks to enable the management, protection and development of these proclaimed water resources in a sustainable manner.

It is also noteworthy that Lot 6238 is located adjacent to Benger Swamp Nature Reserve (Crown Reserve 34811), while the western portion of the lot (historically part of the swamp) is classified as a '*Conservation Category Wetland*' (CCW), under the Geomorphic Wetlands Swan Coastal Plain dataset.

The remainder of Lot 6238 is classified as '*Multiple Use Westland*', also under the Geomorphic Wetlands dataset.

Although DoW has no objection to the amendment, there are issues that it believes should be brought to the attention of the WAPC, as it considers the proposed amendment.

These issues concern the management of the Bengier Swamp, in context of any decision concerning the proposal, which could impact on the condition of the status of the swamp as a nature reserve.

Firstly, it is worthwhile noting that the Shire of Harvey District Planning Scheme No. 1 (DPS 1) zones Lot 6238 as 'Intensive Farming', which becomes relevant in context of protecting the values of the Bengier Swamp.

Intensification of the current land use could result in unintended impacts on the CCW/Swamp, particularly nutrient loads.

In normal circumstances a buffer zone would be sought to protect the CCW from the impacts of intensive agriculture.

Secondly, it is critical to note that Lot 6238 is traversed by a drain, which it is understood has been managed under an informal arrangement, to supplement the northern portion of the swamp over summer.

Given the system's management, DoW recommends that the proposed amendment be referred to the Department of Parks and Wildlife (DPaW), custodian of the Geomorphic Wetlands dataset.

There may be an opportunity to formalise appropriate management strategies that address the hydrological connections that exist, either through local groundwater or surface water resources.

In context of water resource management, DoW has no objection to the proposed amendment, however for the sake of preferred land use planning outcomes, the matters outlined above should be addressed.

Please contact this office for discussion.

Brendan Kelly
Senior Natural Resource Management Officer
Department of Water, South West Region

T: 08 97264194 | (m) 0407219515 | www.water.wa.gov.au



Government of Western Australia
Department of Water



Your Ref: RLS/0662
Our Ref: F-AA-00537/16 EHB17/66
Contact: Vic Andrich (08) 9388 4999

Ms Blenkinsop
Secretary
Western Australian Planning Commission
South West Office
6th Floor – Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

Dear Ms Blenkinsop

**GREATER BUNBURY REGION SCHEME AMENDMENT 0047/57 – LOT 6238
MITCHELL ROAD, BENGER**

Thank you for your letter of 17 January 2017 requesting comment from the Department of Health (DOH).

The DOH has no objection to the proposed amendment.

Should you have queries or require further information please contact Vic Andrich on (08) 9388 4999 or ehinfo@health.wa.gov.au

Yours sincerely



Jim Dodds
**DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE**

13 March 2017

DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 MAR 2017	
FILE	RLS/0662 DC

Martin, Veronica

From: NAUDE Daniel (RCPM) <Daniel.Naude@mainroads.wa.gov.au>
Sent: Monday, 20 March 2017 9:09 PM
To: Martin, Veronica
Subject: Reply: Greater Bunbury Region Scheme Amendment 0047/57 - Lot 6238 Mitchel Road, Benger (Ref: RLS/0662)

Dear Veronica

I refer to your request seeking Main Roads comments regarding the above and apologise for the delay in response.

Please be advised that Main Roads has no objection to the amendment.

Regards,

Daniel Naude
Road Corridor Planning Manager
Metropolitan and Southern Regions / South West
p: 08 9724 5724 | m:
w: www.mainroads.wa.gov.au



mainroads
WESTERN AUSTRALIA





SHIRE OF HARVEY

ALL COMMUNICATIONS TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

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FACSIMILE (08) 9729 2053
www.harvey.wa.gov.au

Direct Line:
(08) 9729 0312

PLEASE USE DIRECT DIAL TELEPHONE WHERE NOMINATED

Our Reference: 0047/57
Our File: A014059
Enquiries: Neville Dowling



Western Australian Planning Commission
South West Office
6th Floor, Bunbury Tower
61 Victoria Street, BUNBURY WA 6230

Attn: Veronica Martin

Dear Veronica

GREATER BUNBURY REGION SCHEME AMENDMENT 0047/57 Lot 6238 Mitchell Road, Benger

I refer to your letter dated 17th January 2017, seeking comments from the Shire of Harvey regarding Amendment 0047/57.

At its meeting held on the 14th March 2017, Council resolved as follows:

That Council provides advice to the Western Australian Planning Commission regarding Greater Bunbury Region Scheme Amendment 0047/57 as follows:

1. It supports Amendment No. 0047/57 to the Greater Bunbury Region Scheme which seeks to rezone Lot 6238 Mitchell Road, Benger from the 'Regional Open Space' reserve to 'Rural' under the Greater Bunbury Region Scheme; and
2. Rezoning Lot 6238 Mitchell Road, Benger from the 'Regional Open Space' reserve to the "General Farming" zone will be undertaken as part of the drafting of Local Planning Scheme No. 2.

The Section 57 Amendment submission form is attached. Please contact Ryan Djanegara of our Planning Department on 9729 0343 if you have any queries regarding the preparation of Local Planning Scheme No.2 and for other queries, Neville Dowling on 9729 0312.

Yours faithfully,

**SIMON HALL
MANAGER OF PLANNING SERVICES**

Enc: Section 57 Amendment submission form

LATE Submission

22nd March 2017

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

Submission

Greater Bunbury Region Scheme Amendment 0047/57

Lot 6238 Mitchell Road, Benger

OFFICE USE ONLY

SUBMISSION NUMBER

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

Or: Bunbury.Planning@planning.wa.gov.au

Name Shire of Harvey
(PLEASE PRINT CLEARLY)

Address PO BOX 500 HARVEY WA Postcode 6220

Contact phone number 9729 0312 Email address neville@harvey.wa.gov.au

The following proposals are the subject of my submission

GBRS Amendment 0047/57

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

At its meeting held on the 14th March 2017, Council resolved as follows:

That Council provides advice to the Western Australian Planning Commission regarding Greater Bunbury Region Scheme Amendment 0047/57 as follows:

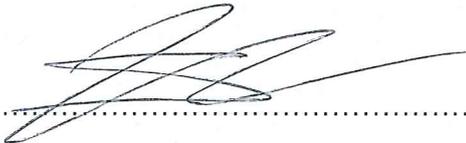
1. It supports Amendment No. 0047/57 to the Greater Bunbury Region Scheme which seeks to rezone Lot 6238 Mitchell Road, Benger from the 'Regional Open Space' reserve to 'Rural' under the Greater Bunbury Region Scheme; and
2. Rezoning Lot 6238 Mitchell Road, Benger from the 'Regional Open Space' reserve to the "General Farming" zone will be undertaken as part of the drafting of Local Planning Scheme No. 2.

turn over to complete your submission

You should be aware that:

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

To be signed by person(s) making the submission

Signature  Date 22/3/17

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 17 March 2017. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9791 0577; Fax - (08) 9791 0576; Email - corporate@planning.wa.gov.au; Website - <http://www.planning.wa.gov.au>



Government of Western Australia
Department of Parks and Wildlife
Regional Services Division

Your ref: RLS/0662
Our ref: 2016/002231 PRS40727
Enquiries: P Hanly
Phone: 97255900
Email: peter.hanly@dpaw.wa.gov.au

Western Australian Planning Commission
South West Office
Sixth Floor, Bunbury Tower
61 Victoria St
BUNBURY WA 6230

LATE Submission

Attention: Veronica Martin

Greater Bunbury Region Scheme Amendment 0047/57 – Lot 6238 Mitchell Rd Benger

I refer to your letter of 17 January 2017 seeking comment from the Department of Parks and Wildlife (Parks and Wildlife) on the Greater Bunbury Region Scheme Amendment 0047/57, Lot 6238 Mitchell Rd, Benger.

The amendment area covers freehold property adjoining the Benger Swamp Nature Reserve vested with the Conservation and Parks Commission.

Benger Swamp Nature Reserve is listed as a Conservation Category wetland (CCW) on the *Geomorphic Wetlands Swan Coastal Plain* data set; it is contained in the *Directory of Important Wetlands of Australia*; it provides habitat suitable for threatened waterbirds including the Australasian Bittern, the Freckled Duck; and supports birds protected under the Australia Migratory Birds Agreement with Japan (JAMBA), China (CAMBA), and Peoples Republic of Korea (PRKAMBA).

Parks and Wildlife has invested substantial resources in, surveys and monitoring waterbird usage, managing a very limited water supply, rehabilitating with native wetland plant species, controlling weeds and pest animals, and managing prevention and suppression of bushfires.

Though mapping indicates the CCW extends beyond the Benger Swamp Nature Reserve over a portion of Lot 6238, the Parks and Wildlife Wetlands Program advises that the Conservation Category boundary should coincide closely with the eastern boundary of Benger Swamp as most of the native vegetation on the freehold lot has been cleared. The wetlands extending further eastwards across Lot 6238 are classified as Multiple Use, though they retain hydrological connections with the CCWs of the Nature Reserve.

Management of water levels is important for supporting the wetlands habitat values of Benger Swamp.

Water quality and quantity flows to the wetlands needs to be maintained or improved.

Any adjacent land use needs to provide an appropriate buffer to the Benger Swamp wetland. The wetland buffer should be measured from the edge of the wetland boundary, which encompasses both waterlogged and inundated areas and the surrounding wetland-dependant vegetation.

The *Wetlands Position Statement* (Water and Rivers Commission 2001) requires a minimum buffer of 50 metres to be provided between Conservation Category wetlands and proposed developments.

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Protection from activities that could result in impacts on groundwater quality, water levels, and increased sedimentation, nutrient loads or pollution would normally require a buffer of greater than 50 metres.

For the Bengier Swamp it is considered a buffer in the order of 200m from the Nature Reserve boundary would be desirable to protect the wetlands from nutrient intensive land uses (noting that the reserve boundary is not the true wetlands boundary).

There is a constructed drain through lot 6238 which historically allowed drainage water to be directed to the Bengier Swamp and was maintained by the Water Corporation.

There is also an unconstructed road reserve through Lot 6238 linking Bengier Swamp Nature Reserve to Mitchell Rd.

For management of the nature reserve Parks and Wildlife would like to maintain the capacity for drainage water supply to continue to the wetlands. Parks and Wildlife also needs to have vehicular access to the eastern part of the Nature reserve which has historically been allowed and is most practical along the northern boundary of Lot 6238.

Whatever zoning is applied to Lot 6238, Parks and Wildlife would like to maintain the capacity for management access, provide for ongoing water supply, and minimize the risk of excessive nutrient loading or other negative impacts upon the Nature Reserve wetlands due to land uses that may occur on Lot 6238.

If you require further information about matters raised in this letter, please contact Peter Hanly at the Parks and Wildlife SW Region office (97255900).

Yours sincerely



For Regional Manager

13 April 2017