



November 2017

Metropolitan Region Scheme Amendment 1329/57 (Minor Amendment)



Henley Brook Urban Precinct

Amendment Report

City of Swan

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The Metropolitan Region Scheme

What it is and how it is amended

Planning Perth's future

Perth has a reputation as one of the world's cleanest and greenest cities. This is largely due to good planning. It is a city anticipated to grow. As it grows, change must be well planned and well managed.

In 2010 Perth was home to 1.7 million people. Between 2003 and 2010 Perth's population grew by an average of around 42,000 people per year. By 2026, Perth's population is projected to be around 2.3 million, making up about 74 per cent of the population of Western Australia.

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 Metropolitan Region Scheme (MRS) provides for this change, and the means by which affected landowners can be compensated for land acquired for regional public purposes.

What is the Metropolitan Region Scheme?

The MRS is a large town planning scheme for land use in the Perth metropolitan area. This area stretches from south of Rockingham to north of Yanchep and east of Mundaring.

The MRS 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 MRS.

The MRS 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 1963 and provides the legal basis for planning in the Perth region.

To plan for changing needs, the MRS is amended frequently.

What is an amendment?

An amendment to the MRS 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 MRS is advertised to seek comment from the wider community and all levels of government.

The process allows for extensive community consultation to review the proposal before a final decision is made.

How is the Metropolitan Region Scheme amended?

The Western Australian Planning Commission (WAPC) is responsible for keeping the MRS 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 Act requires an amendment to be consistent with both the *Swan River Trust Act 1988* and the *Heritage of Western Australia Act 1990* and does not allow for an amendment to occur within the defined area of which a redevelopment scheme applies.

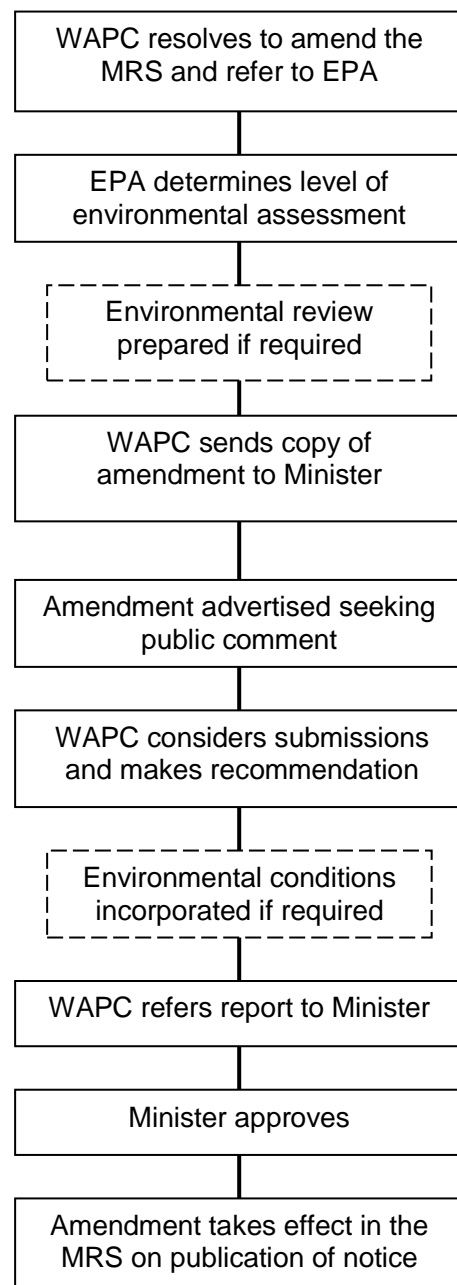
The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

The process of a minor amendment to the MRS 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 PlanningWA 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 and 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 MRS 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 MRS is amended, local planning schemes must also be amended to match the broad zonings and reservations of the MRS. Affected local governments provide more detailed planning for each area.

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

Zones and reservations

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

Zones

Urban: areas in which a range of activities are undertaken, including residential, commercial recreational and light industry.

Urban deferred: land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

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

Central city area: strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

Industrial and special industrial: land on which manufacturing, processing, warehousing and related activities are undertaken.

Rural: land on which a range of agricultural, extractive and conservation uses are undertaken.

Private recreation: areas of significance to the region's recreation resource, which are, or are proposed to be, managed by the private sector.

Rural - water protection: rural land over public groundwater areas, where land use is controlled to avoid contamination.

Reservations

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

Parks and recreation: land of regional significance for ecological, recreation or landscape purposes.

Railways: provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park'n'ride stations.

Port installations: regional maritime shipping facilities.

State forests: areas of woodland located on Crown land managed under the *Conservation and Land Management Act 1984*.

Water catchments: water sources protected for high quality public water supply. These areas have strict controls on land use to avoid pollution of the water resource.

Civic and cultural: significant civic precincts and buildings.

Waterways: permanent inland and coastal waters including many rivers and reservoirs.

Public purposes: 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.

Primary regional roads: these are the most important of the roads of regional significance in the planned road network, and are currently, or proposed to be declared under the *Main Roads Act 1930*.

Other regional roads: these are roads of regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

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 MRS 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 Metropolitan Region Scheme*, a leaflet reproduced at the back of this report and available separately from the Department of Planning.

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 PlanningWA website.

Publications

Amendments made to the MRS using the provisions of section 57 will in most cases have information 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 MRS 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.

Abbreviations

AHA	Aboriginal Heritage Act
CBD	Central Business District
DWER	Department of Water and Environment Regulation
DWMS	District Water Management Strategy
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
MRS	Metropolitan Region Scheme
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
UWPCA	Gnangara Underground Water Pollution Control Area
WAPC	Western Australian Planning Commission

Amendment Report

Metropolitan Region Scheme Amendment 1329/57

Henley Brook Urban Precinct

1 Purpose

The purpose of the amendment is to rezone approximately 262.82 ha from the Rural zone to the Urban zone in the Metropolitan Region Scheme (MRS) as shown on the ***Amendment Figure - Proposal 1***.

This amendment will facilitate further planning to enable the future development of the amendment area for residential and related purposes.

2 Background

The amendment area is located in the City of Swan and is approximately 20 km north-east of the Perth CBD. It abuts existing Urban zoned land to the north and south, the Lord Street Primary Regional Roads reservation and Whiteman Park to the west and the Henley Brook Avenue Other Regional Roads reservation and Rural zoned land to the east.

The Dampier to Bunbury Natural Gas Pipeline and the Parmelia Mainline, high pressure gas mains, traverse the centre of the amendment area. The amendment area does not contain any Bush Forever areas and is separated from Whiteman Park (Bush Forever site 304) by the Lord Street Primary Regional Roads reservation.

The amendment area has been largely cleared for rural pursuits, primarily large lot rural residential living, it contains scattered areas of remnant vegetation, generally along fence lines, and a number of houses and outbuildings.

Land use and development within the amendment area will be generally controlled by the City of Swan Local Planning Scheme No. 17 (LPS 17). The subject land is currently zoned General Rural and Special Rural under LPS 17.

3 Scope and content of the amendment

The amendment proposes to rezone various properties generally bounded by Gnangara Road to the north, Henley Brook Avenue to the east, Park Street to the south, and Lord Street to the west.

The total area of the land the subject of the rezoning is approximately 262.82 ha.

4 Discussion

Strategic Context

Draft Perth and Peel@3.5 Million and Draft North-East Sub-Regional Planning Framework

The draft *Perth and Peel@3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions. It makes the case for change from a business-as-usual perspective to a more considered, connected, consolidated urban form. It links the four draft frameworks for each sub-region (North-West, North-East, Central and South Metropolitan Peel) and encourages the consideration of new urban growth opportunities.

The draft *North-East Sub-Regional Planning Framework* forms part of the draft *Perth and Peel@3.5 Million* strategic suite of planning documents. Future areas for urban and industrial development have been determined in conjunction with the *Green Growth Plan*, which is the State Government's Strategic Assessment of the Perth and Peel Regions, in order to avoid and protect areas which have significant environmental value.

The draft Framework identifies the subject land as Urban Expansion, with an urban staging indication of Medium Term (2022 - 2031).

The Western Australian Planning Commission (WAPC) considers that the amendment contributes to the implementation of the draft Frameworks' recommendations and that its initiation is consistent with the identified urban staging timeframe.

Statutory Context

Environment

The former Office of the Environmental Protection Authority (EPA), now the Department of Water and Environment Regulation (DWER), raises no objections to the initiation of the proposed amendment.

Urban Water Management

The former Department of Water, now DWER, advises that the District Water Management Strategy (DWMS) submitted with the proposed amendment is satisfactory to support the initiation and advertising of the amendment.

The DWMS is to be approved prior to the WAPC's consideration of a final recommendation on the amendment.

Water, Wastewater and Drainage Infrastructure

The Water Corporation raises no objections to the proposed amendment, and advises as follows:

Water: Water services to initial stages of development can be provided by the proponents undertaking extension from existing networks to the north and south, however, long term water planning for the Ellenbrook gravity water supply scheme will need to be reviewed to account for the ultimate water demand of the amendment area. The proponent may also be required to undertake off-site reticulation mains upgrades to service the area.

Wastewater: The Corporation has undertaken a review of the West Swan Sewer District long term wastewater conveyance planning which provides a guide on the preferred method of collecting and conveying wastewater in the future development of the amendment area. Should the amendment be finalised, the preparation of a local structure plan for the entirety of the precinct will provide a further opportunity for refinement of this planning.

Gnangara Underground Water Pollution Control Area

The amendment area is a Priority 2 (P2) area of the Gnangara Underground Water Pollution Control Area (UWPCA) and *State Planning Policy 2.2 - Gnangara Groundwater Protection* (SPP 2.2). SPP 2.2 does not provide guidance for the rezoning of land within the Gnangara UWPCA.

Notwithstanding the above, the amendment request is consistent with *State Planning Policy 2.3 - Jandakot Groundwater Protection*, the WAPC's most recently endorsed policy for groundwater protection, which advises that amendments to the MRS will only be supported where land has been identified through a WAPC prepared or endorsed strategic planning document.

As the amendment area has been identified within the draft *North-East Sub-Regional Planning Framework* the request complies with policy requirements. Protection of the groundwater resource will continue to be addressed through subsequent stages of the planning process through implementation of policy requirements.

5 Aboriginal heritage

The *Aboriginal Heritage Act 1972* (AHA) provides for the protection and preservation of Aboriginal heritage and culture throughout Western Australia, including places and objects that are of significance to Aboriginal people. Aboriginal sites and materials are protected whether or not they have been previously recorded or reported.

The process of rezoning or reservation of land in a region scheme is not in itself directly affected by the AHA. Proposed changes to land-use at MRS amendment stage are broad by nature and do not physically interfere with the land. Consideration of any protection that may be required is addressed more specifically at later stages of the planning process, typically being a local planning scheme amendment and when preparing a local structure plan.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the WAPC and the Department of Planning, Lands and Heritage have entered into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All MRS amendment proposals likely to be of interest to Aboriginal persons are now referred to SWALSC for comment before being released for public submission. SWALSC is the recognised Native Title Representative Body for Western Australia's south west region and as such is also well placed to provide advice on Aboriginal heritage.

This amendment was not referred to SWALSC as it was not expected to impact on Aboriginal heritage values. However, the amendment will be referred to SWALSC during the public advertising period.

6 Coordination of local and region scheme amendments

Under section 126(3) of the *Planning and Development Act 2005* the City of Swan has the option of recommending to the WAPC to concurrently rezone land that is being zoned Urban under the MRS to a "Development" zone (or similar) in its LPS.

The WAPC will consider the concurrent amendment of the subject land prior to the amendment being considered for final approval.

7 Substantiality

The *Planning and Development Act 2005* allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. WAPC Development Control Policy 1.9 - Amendment to Region Schemes sets out the criteria for deciding whether the major or minor process should be followed. The criteria relate to a variety of matters, not all of which relate to every amendment.

This amendment is recommended to be processed as a 'minor' amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The subject land has been identified in the draft *North-East Sub-Regional Planning Framework* (which was advertised for public comment) for urban expansion purposes.
- The transfer of the subject land to the Urban zone constitutes a minor and logical link between the Brabham and Ellenbrook urban areas.
- Relevant State Government agencies agree to the initiation of the amendment (subject to resolution of various issues at later stages of the planning process).

8 Sustainability appraisal

The proposed amendment will allow further detailed planning to facilitate the development of the Henley Brook locality, consistent with the lands identification for Urban Expansion purposes in the WAPC's draft *North-East Sub-Regional Planning Framework*, which addresses the sustainability of proposed urban development in general.

9 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

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

10 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 of that Act.

In essence, the procedure for an amendment not constituting a substantial alteration to the MRS (often referred to as a minor amendment) involves:

- formulation of the amendment by the WAPC;
- referral to the EPA for environmental assessment;
- completion of an environmental review (if required) to EPA instructions;
- public submissions 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
- the amendment takes legal effect with gazettal of the Minister's approval.

An explanation of this process entitled *The Metropolitan Region Scheme, what it is and how it is amended*, can also be found in the front of this report.

11 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment will be advertised for public submissions for a period of 60 days from Friday 17 November 2017 to Friday 19 January 2018.

Copies of the amendments are available for public inspection at the:

- i) Western Australian Planning Commission, 140 William Street, Perth
- ii) City of Swan
- iii) State Reference Library, Northbridge.

Written submissions commenting on the amendment should be sent to:-

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 60010

or by email to:-

mrs@planning.wa.gov.au

and must be received by 5 pm Friday 19 January 2018.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 57) is contained in this report (appendix E). Additional copies of the form are available from the display locations and the PlanningWA website www.dplh.wa.gov.au.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. 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.

12 Modifications to the amendment

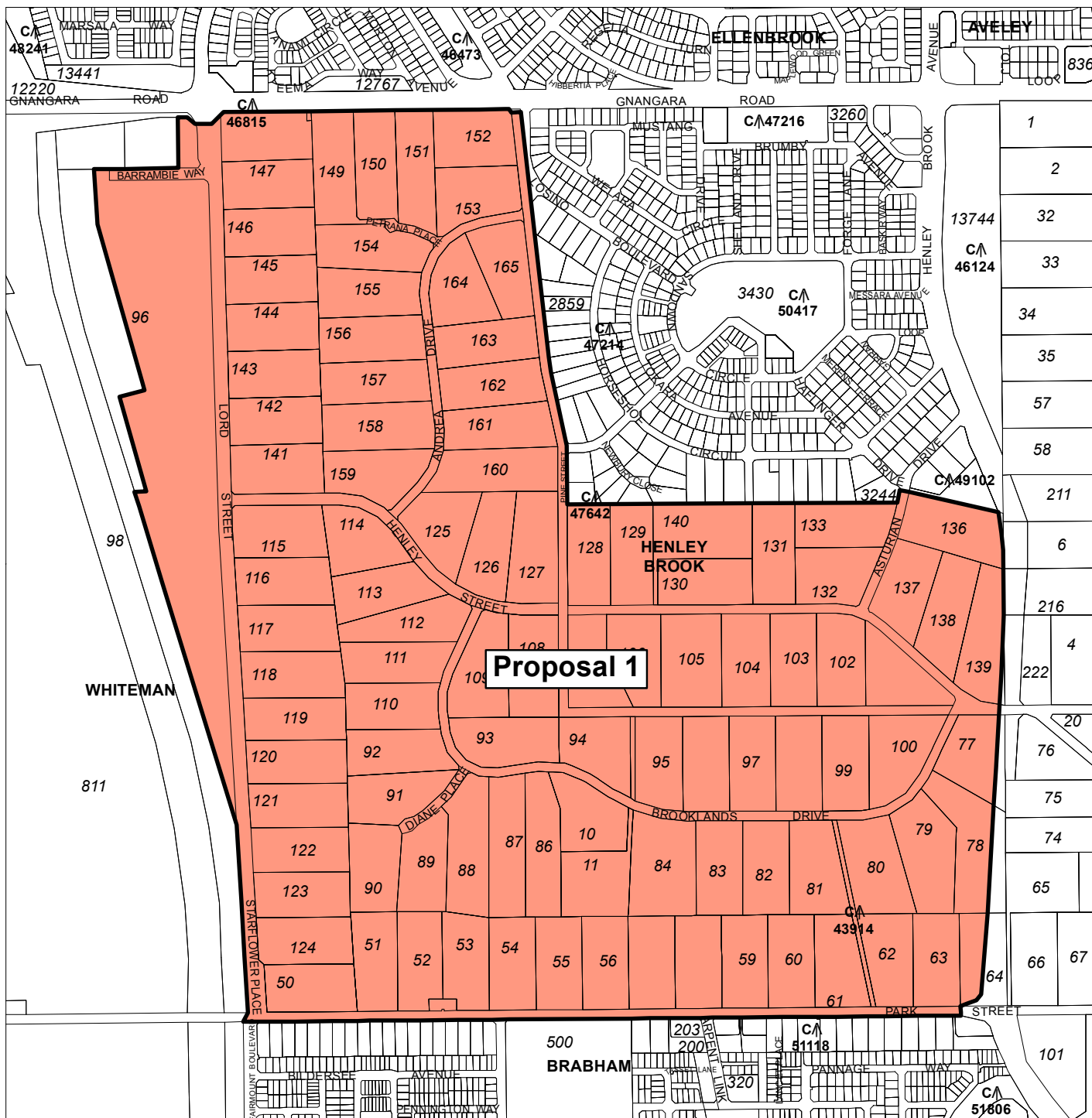
After considering any comments received from the public and government agencies, the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

13 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.

MRS Amendment 1329/57
Henley Brook Urban Precinct

Amending Figure
Proposal 1



Henley Brook Urban Precinct Proposed Minor Amendment as advertised

23 August 2017

Proposal 1

Proposed Amendment:

Urban zone

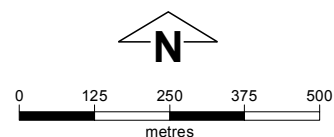
Oracle reference no: 2899

File number: 833/02/21/0123P V

Version number: 1



Date: 28/08/2017
Produced by Geospatial Research and Modelling, Department of Planning, Lands and Heritage, Perth WA
Base information supplied by Western Australian Land Information Authority LI 862-2016-1



Appendix A

Notice of environmental assessment

Department of Planning, Lands and Heritage Received	
Scanned	04 OCT 2017 <input type="checkbox"/>
Attachments	<input type="checkbox"/>
Scan QA	<input type="checkbox"/>
Doc No.	A9436078
File No.	R18/0611

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Your Ref:
Our Ref: CMS16023
Enquiries: Stephen Pavey, 6364 7600
Email: Steve.Pavey@dwer.wa.gov.au

Dear Sir/Madam

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

SCHEME: Metropolitan Region Scheme Amendment
1329/57 - Henley Brook Urban Precinct
LOCATION: Henley Brook
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).

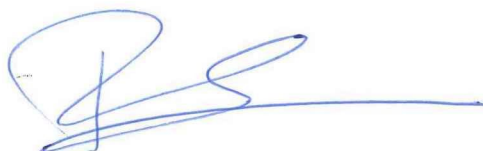
After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

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 blue ink, consisting of a large, stylized 'P' followed by a series of loops and a long horizontal stroke extending to the right.

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

2 October 2017

Appendix B

**List of detail plans supporting
the amendment**

**Metropolitan Region Scheme
Henley Brook Urban Precinct**

Proposed Minor Amendment

Amendment 1329/57

as advertised

Amending Plan 3.2705

Detail Plans

1.5964, 1.5965, 1.5979, 1.5980, 1.6030, 1.6031

Appendix C

Your property and the Metropolitan Region Scheme

Your Property and the Metropolitan Region Scheme

Landowners rights to compensation in relation to reserved land

If land is reserved in a regional planning scheme

The WAPC administers three region schemes - the Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme.

Region schemes 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 region schemes. The region schemes are available for inspection at a local government office, the Department of Planning 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 the purpose for which 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 region scheme 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 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 region scheme, 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 matters raised in this brochure, please contact the department's WAPC Property Management Services branch on -
telephone - 6551 9000 (Reception)
email - info@dplh.wa.gov.au.**

Appendix D

Preparing a submission

Preparing a submission

The WAPC welcomes comment on proposed amendments to the MRS 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. 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)**

- 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.

Signature Date

Contacts: Telephone - (08) 6551 9000 Fax - (08) 6551 9001 Email - mrs@planning.wa.gov.au; Website - <http://www.dplh.wa.gov.au>