
Peel Region Scheme Amendment 046/41

Nambeelup Industrial Zone

**LOT 221 LAKES ROAD AND PARTS OF
LOT 400 PATERSON ROAD, NAMBEELUP**

Amendment Report

April 2019



Western Australian Planning Commission
140 William Street,
Perth WA 6000

Email: prs@planning.wa.gov.au
Phone: (08) 9586 4680

Disclaimer

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

© State of Western Australia

Internet: www.wa.gov.au

Published by the
Western Australian Planning Commission
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

Peel Region Scheme
Amendment No. 046/41 - Amendment Report
File RLS/0776

Published April 2019

Internet: www.dplh.wa.gov.au
Email: info@dplh.wa.gov.au
Phone: (08) 9586 4680
National Relay Service: 13 36 77

This document is available in alternative formats on application to Communications Services.

Contents

The Peel Region Scheme	iii
1. Purpose	1
2. Background.....	1
3. Scope and Content of the Amendment.....	1
4. Discussion	2
5. Aboriginal Heritage	5
6. Coordination of Region and Local Scheme Amendments	6
7. Substantiality	6
8. Sustainability Appraisal.....	6
9. Environmental Protection Authority Advice.....	7
10. The Amendment Process	7
11. Submissions on the Amendment.....	8
12. Hearings	8
13. Modifications to the Amendment	9
14. Final Outcome	9

[Appendix A: Amendment Proposal](#)

[Figure 1: Location Plan](#)

[Figure 2: Proposed Zoning](#)

[Figure 3: Nambeelup Industrial District Structure Plan](#)

[Appendix B: Notice of Environmental Assessment](#)

[Appendix C: Your Property and the Peel Region Scheme](#)

[Appendix D: Preparing For Your Submission and Hearing](#)

[Appendix E: Submission Form](#)

The Peel Region Scheme

What it is and how it is Amended

Planning for the Peel Region

The Peel Region enjoys features that make it a very attractive place in which to live, and for recreation and tourist activities. With the increasing population of Western Australia, the region is also growing. As it grows, change must be planned and managed to provide an effective land use structure, to preserve the natural features of the region and make provision for important regional infrastructure.

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 purpose of the Peel Region Scheme is to provide for balanced change in land use and to provide mechanisms which allow the acquisition of land for regional public purposes and the means by which affected landowners can be compensated.

What is the Peel Region Scheme?

The Peel Region Scheme is a region planning scheme that guides land use in the Peel Region. It extends from Madora and Keysbrook in the north to Preston Beach and Wagerup in the south, and eastwards well beyond the Darling Scarp.

The PRS defines the future use of land, dividing it into broad zones and reservations. It requires local government town planning schemes to provide detailed plans for their parts of the region. These schemes must be consistent with the PRS.

The PRS uses a set of maps and a scheme text. The scheme text provides planning guidelines for zones and reservations that are shown on the maps in different colours and patterns.

This plan has been in operation since March 2003 and provides the legal basis for planning in the Peel region.

To plan for changing needs, the PRS is amended from time to time.

What is an Amendment?

An amendment to the PRS changes the zoning or reservation of land to allow for a different land use. Amendments may also be made to the Scheme text.

When a change to the PRS is considered, such as those above, the amendment is advertised to seek comment from the 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 Peel Region Scheme is Amended?

The Western Australian Planning Commission (WAPC) is responsible for keeping the PRS under review and initiating changes where these are seen to be necessary.

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

The process for a 'major' amendment to the PRS 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 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.
- The amendment (and environmental review, where required) is advertised for public inspection and submissions are invited.

Advertisements are placed in local and state-wide newspapers and information is provided on the WAPC website.

Landowners whose property is directly affected by a proposed change are contacted in writing.

Where an environmental review is required, this is also made available for comment.

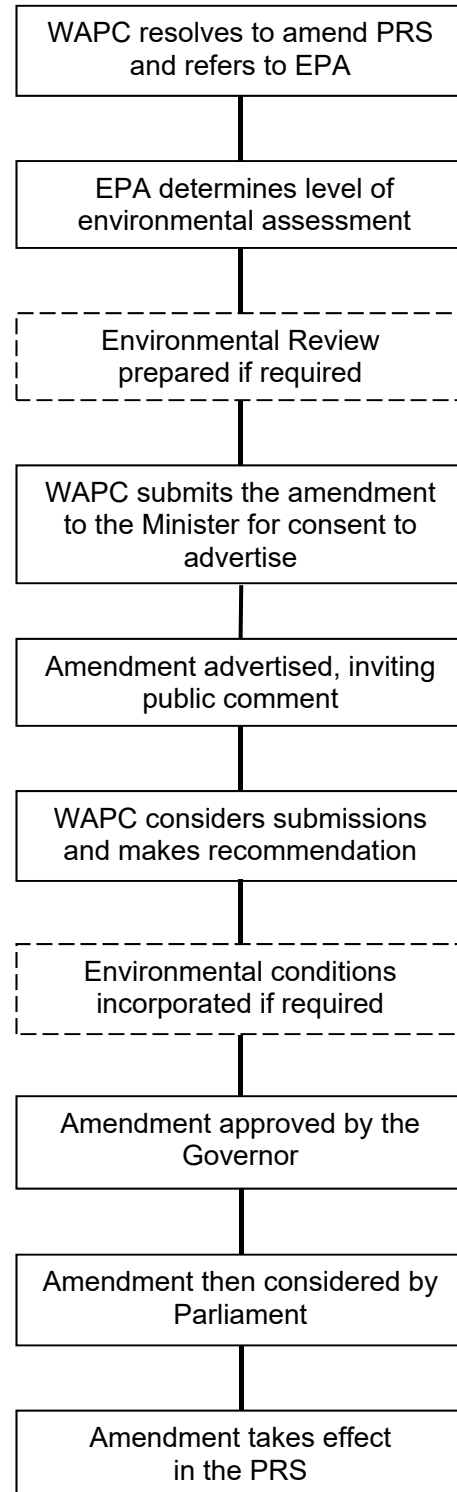
- The WAPC receives submissions over a three month period.
- The WAPC then considers all written submissions.

People who have made submissions may also, if they wish, make an oral presentation to a special committee appointed to consider and report on these submissions.

- The WAPC reviews the proposed amendment in light of the submissions. The amendment may be modified before proceeding.
- The Minister for Planning may require the amendment be readvertised if substantial changes are made as a result of submissions.
- The Minister presents the amendment and the WAPC recommendations to the Governor for approval.
- The amendment, as approved by the Governor, is placed before each House of the State Parliament where it must remain for 12 sitting days. During this time, the amendment is again on public display with the Report on Submissions.
- In Parliament, a member may introduce a motion to disallow the amendment. If

such a motion is made and succeeds, the change to the PRS will not come into effect. If not, the amendment becomes legally effective.

The diagram below shows the main steps.



When the PRS is amended, local planning schemes within the Scheme Area must also be amended to match the broad zonings and reservations of the PRS.

Local planning schemes provide more-detailed planning for their respective areas.

In this respect:

- the WAPC may resolve to amend a local planning scheme pursuant to section 126 of the *Planning and Development Act 2005*; or
- within three months of a PRS amendment being finalised, an affected local government must initiate an amendment to its local planning scheme.

Zones and Reservations

Zones and reservations in the PRS are broad categories. These are not precisely defined or limited. The following descriptions are a guide.

Zones

Urban: Areas in which a range of activities can be undertaken, including residential, commercial, recreation 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.

Regional Centre: Strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

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.

Reservations

Land is reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure. The following descriptions are a guide:

Regional Open Space: Land of regional significance for environmental, recreation, landscape or cultural purposes.

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

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

Waterways: Permanent inland and coastal waters including any substantial rivers and reservoirs.

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

Other Regional Roads: These are roads with regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

Public Purposes: Land for public facilities such as hospitals, high schools, universities, 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 to 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 in keeping with the new zoning. 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 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 PRS are advertised so that all affected landowners, and anyone else, will have time to examine the proposals and lodge a submission if they choose.

What if My Land is Reserved?

Land is reserved because it will be needed in due course for a public purpose such as Regional Open Space or Other Regional Roads.

If your land is marked for 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. Region planning schemes include reservations over many areas of land which are privately owned.

To protect landowners, there are procedures relating to the acquisition of land or compensation by the WAPC. These are outlined in the brochure *Your Property and the Peel Region Scheme* which is 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 advertising period. A submission form is included at the back of this publication.

These forms are also available from the places of display for this amendment and from the Planning WA website.

People writing submissions may also choose 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 PRS, information is published under the following titles:

Amendment Report

This document is available from the start of the public advertising period for the proposed PRS 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 outcomes of an amendment to the PRS before advertising takes place. Should the EPA require assessment, an Environmental Review must be undertaken and that information is made available for comment along with the *Amendment Report*.

Report on Submissions

This publication is the response of the WAPC to issues raised in submissions. The WAPC's report on submissions is forwarded to the Minister for consideration when the amendment is considered for approval.

All written submissions received on a proposed amendment are reproduced and published in the Report on Submissions, as a public record.

Amendment No. 046/41 to the Peel Region Scheme

Nambeelup Industrial Zone

Lot 221 Lakes Road and parts of Lot 400 Paterson Road, Nambeelup

1. Purpose

The purpose of the proposed amendment is to transfer 201 hectares at Nambeelup from the Rural zone to the Industrial zone in the Peel Region Scheme, to allow development of the land for future industrial use. The land subject of the amendment is shown on Figures 1 and 2.

2. Background

Land at Nambeelup (including Lots 221 and 400) has been identified for a major industrial area in strategic planning publications over a period of more than 21 years. These publications include the *Inner Peel Region Structure Plan* (1997), the *Economic and Employment Lands Strategy* (2012) and the *South Metropolitan Peel Sub-regional Planning Framework* (2018).

An industrial area at Nambeelup has also been identified as a key transformational project in the *Peel Regional Investment Blueprint, Vision 2050* (2015). This envisages the Nambeelup industrial area as a project that will stimulate business and industrial development across the Peel region.

Also, in December 2015, the WAPC finalised the Nambeelup Industrial Area District Structure Plan (NIADSP). Preparation of the structure plan involved more than 10 years of planning, environmental, drainage and infrastructure investigations and two phases of public consultation, in 2012 and 2014. The NIADSP provides guidance for the detailed planning and development of the Nambeelup Industrial Area (NIA) and addresses land requirements for regional roads, provision of open space and drainage requirements.

In April 2016, the NIADSP and an updated Nambeelup District Water Management Strategy were formally released. At the same time, the State government announced a \$45.2 million funding allocation for infrastructure in Phase 1 of the NIA.

This amendment to the Peel Region Scheme (PRS) supplements:

- Phase 1 of the NIA which covers 294 hectares (comprising 174 hectares zoned Industrial when the PRS was first promulgated in 2003 and a further 120 hectares rezoned to Industrial in August 2017); and
- a further 378 hectares that is proposed to be zoned Industrial in PRS Amendment 044/41 which was recently advertised for public comment.

3. Scope and Content of the Amendment

The proposed amendment would transfer approximately 201 hectares from the Rural zone to the Industrial zone in the Peel Region Scheme. The site is bounded by:

- Lakes Road, to the north;
- Paterson Road, to the west;

- Rural-zoned land, to the east; and
- Nambeelup Brook, to the south.

The proposed amendment is depicted in [Appendix A](#).

4. Discussion

Strategic Planning

The *South Metropolitan Peel Sub-regional Planning Framework* designates land at Nambeelup as an 'Industrial Expansion' area. Also, it includes Nambeelup Brook in the 'Open Space' classification and identifies it as part of a wider ecological linkage. In turn, the NIADSP (see [Figure 3](#)) identifies the parts of the designated area that are suitable for industrial development. In this respect, most land within Lots 221 and two portions of Lot 400 are identified for this purpose. The NIADSP also identifies parts of the land as 'Open Space' to protect environmental values.

With rezoning of Lot 600 Gull Road (owned by LandCorp) and the allocation of government funding to bring trunk services to the area, the first stage of development that will realise the Nambeelup Business Park is expected to occur in the near future. With the prospect of trunk services and actual land development at Nambeelup, there is a case for further land to be rezoned for industry in the PRS, to allow more-detailed planning to be progressed for additional land, to assure an ongoing supply of industrial land in the years ahead. In due course, the amendment will enable the delivery of serviced industrial land in this part of the Peel region that is required for production, business and employment opportunities.

Environmental Considerations

The site has been substantially cleared and drained, and degraded through historic agricultural activity. However, some areas with regionally-significant environmental attributes remain, as described below:

- Conservation Category and Resource Enhancement wetlands and pockets of regionally-significant remnant vegetation that include upland vegetation are located on Lot 221. These have a loosely north-south configuration. Most of this vegetation is in good, very good or excellent condition.
- An ephemeral section of Nambeelup Brook meanders across the northern part of Lot 400 and into the southern part of Lot 221. Over most of its length, this incorporates areas identified in *Swan Bioplan* as regionally-significant natural areas.
- A segment of Conservation Category wetland is located on the eastern edge of Lot 221. This forms part of a larger wetland area, occurring mainly on the neighbouring property.
- Areas of possible Carnaby's Cockatoo feeding vegetation fall within the areas referred to above.

Together with buffers, these areas have been classified 'Open Space' in the NIADSP. The NIADSP also identifies broader ecological linkages that coincide with the abovementioned north-south wetland and vegetation area and Nambeelup Brook. The area dedicated to 'Open Space' in the NIADSP is approximately 31.5 hectares. In the Development Concept Plan, this is about 35 hectares. More-detailed provisions to refine the designated open space areas and protect these attributes will be addressed in the local structure plan to be required for Lots 221 and (part of) 400.

The amendment site rises from about 7 metres AHD on the western boundary to 15 metres AHD on its eastern side (rising over a distance of 1.7 kilometres). Groundwater separation is limited over much of the site. Accordingly, substantial fill and drainage will be necessary. In this respect, filling is to be restricted to land outside areas classified as 'Open Space' in the NIADSP. Also, a district water management strategy has been prepared in support of the proposed amendment that shows that the site is capable of industrial development without adverse effects. The Department of Water and Environmental Regulation has reviewed and endorsed this strategy. Moreover, a local structure plan will be required to be supported by a more-detailed local water management strategy. Among other things, this will be required to address drainage, hydrological balance, foreshore and wetland buffers.

The Department of Biodiversity, Conservation and Attractions has noted information and commitments supporting the amendment in the Environmental Assessment Report that accompanied the amendment request. It also recommends the following:

- The local water management strategy should maintain the pre-development hydrology of the Conservation Category (CCW) and Resource Enhancement (REW) wetlands.
- Stormwater management infrastructure (pipes, drains, detention areas and swales) should be outside CCW and REW wetlands and their buffers.
- There should be adequate separation between buildings and open space for bushland and wetland protection, and from areas for bushfire protection. Also, bushfire measures should be provided within the development area and should not place reliance or impositions on the management of bushland, wetlands and wetland buffers.
- Hard road edges between development and areas for protection of bushland and wetlands are supported for bushfire protection purposes, and to protect natural open space areas.

In relation to these matters, a district water management strategy has been prepared in support of the proposed amendment. This is configured around the principle that pre-development hydrology must be maintained and shows that the site is capable of industrial development without significant adverse effects. The same will be required of the local water management strategy. Other matters mentioned above – such as the location of stormwater infrastructure, separation between buildings and bushland/wetlands and the provision of hard road edges between development and open space – can be addressed at the local planning scheme amendment and local structure plan stages.

Servicing

The site can be provided with reticulated potable water and sewerage services and electricity. Natural gas is approximately 1,400 metres from the site (at Readheads Road) and provision of this service will be at the discretion of the developer.

Water and Wastewater – Extensive planning has taken place for the provision of water supply and sewerage infrastructure to serve development on LandCorp's Lot 600 Gull Road and parts of Phase 1 in the near future. The Water Corporation advises that a limited portion of the amendment site may also be able to connect to infrastructure being delivered by LandCorp. Areas beyond the limits of supply/reach of this infrastructure will require significant future investment to enable development, not only within the amendment site but in the southern parts of Phase 1 as well.

The Water Corporation states that overall planning for water and wastewater servicing is not seen as an impediment to rezoning the land to Industrial and raises no objection to the amendment.

Power supply – The NIADSP proposes that electricity for the NIA should initially be fed from Meadow Springs sub-station. However, LandCorp has made arrangements with Western Power for extension of feeders from the Pinjarra zone substation to serve the Phase 1 of the NIA (to avoid major capital investment in regard to upgrades at Meadow Springs). In the process, these feeders will extend along the western boundary of the amendment site.

Western Power expects the Pinjarra zone substation to have capacity available for 5 to 10 years. It is not possible to forecast how much of this capacity will remain available by the time Phase 1 (south) and/or the amendment site are developed. This is due to the potential for this capacity to be taken up by other development, further afield. If this occurs, it is possible that a new substation – that would be required in the long term in any event (10-25 years) – will be necessary to serve development within the southern parts of Phase 1, the amendment site, or both.

The need for such network reinforcement works was recognised in the NIADSP. Also, the NIADSP recognised that the timing and type of reinforcements may change. Accordingly, such infrastructure arrangements are consistent with the NIADSP.

Gas Supply – A major gas pipeline extends along Readheads Road, about 1,400 metres north of Lot 221. LandCorp intends to connect a pressure reduction station to the ATCO gas pipeline and extend a high pressure main along Gull Road to the intersection with Lakes Road, to serve its development on Lot 600. This may present opportunities to serve industrial development on Lots 221 and 400. If not, other arrangements will need to be made. Dependent on gas use, any gas mains extensions will be assessed against ATCO Gas Australia's Capital Contribution Policy to determine if any contributions may be required towards the infrastructure.

Regional Road Planning

The NIADSP classifies Paterson Road, Lakes Road and a southerly extension of Nambeelup Road as Integrator A regional roads where these abut the land. With finalisation of the *South Metropolitan Peel Sub-regional Planning Framework, 2018*, these classifications have been reaffirmed, excepting that it is possible the southward extension of Nambeelup Road may only need to be constructed as an Integrator B road, where it abuts this land. Widening and upgrading of the Integrator A roads will be required. At this time, it is anticipated that:

- Paterson Road will need to be widened to 39 - 42 metres on both sides;
- Lakes Road will need to be widened to 54 - 60 metres on the southern side; and
- Nambeelup Road (southerly extension) will need to have a 39 - 42 metre wide reserve (within Lots 221 and 400).

However, final requirements will be determined before a local structure plan for the land is finalised. On this basis, rezoning of the land for industrial purposes can take place while planning for regional road requirements is being finalised.

Main Roads Western Australia advises that it has no objection to the amendment.

Public Health Considerations

Rezoning the land to Industrial is appropriate in terms of public health considerations. In this respect, key health provisions such as reticulated water and wastewater services will be made available. Also, appropriate separation distances from sensitive uses are assured by the NIA's location. This attribute can be enhanced through controls over land use that are available under the local planning scheme. As the land is located within 1.5 kilometres of wetlands, there will be a need for mosquito management.

Bushfire Considerations

A large proportion of the site is identified as bushfire prone in the Department of Fire and Emergency Services Map of Bushfire Prone Areas. A detailed assessment of bushfire risk for this site, undertaken by a consultant, has been reviewed by the Department of Fire and Emergency Services (DFES). In this respect, the DFES has advised that the development concept plan for the site and the Bushfire Management Plan have adequately identified issues arising from the bushfire hazard level assessment and considered how compliance with bushfire protection criteria can be achieved at subsequent planning stages. Accordingly, any risks can be mitigated in later planning stages in accordance with *State Planning Policy 3.7: Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*.

Murrayfield Aerodrome – Obstacle Limitation Surfaces

The Civil Aviation Authority has drawn attention to the possibility that aircraft using the adjacent Murrayfield Airpark may be restricted by development on the amendment site. This relates mainly to land in the north-west corner of the site. Development within most of the proposed Industrial zone will be capable of meeting clearance requirements. The need for clearance beneath obstacle limitation surfaces associated with south-westerly approach and take-off paths for Murrayfield aerodrome is acknowledged. In this respect, the possible need for provisions to ensure clearances will need to be examined in closer detail at the local planning scheme amendment stage.

Staging of Region Scheme Amendment

The proposed amendment has a sound foundation insofar as it is fully consistent with long term strategic planning for the region, including the *South Metropolitan Peel Sub-regional Planning Framework* and the *Nambeelup District Structure Plan*.

Also, the land can be provided with services subject to significant capital investment by the landowners. In this respect, no objections have been raised by Western Power, ATCO Gas, or the Water Corporation.

The current amendment has been initiated on the basis that there is need for the land to be rezoned in the region scheme in advance of market conditions, having regard for the considerable lead times for amending the local planning scheme, preparation and approval of a local structure plan, subdivision and development. The proposed amendment would also make more industrial land available in the long term.

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 of significance to Aboriginal people. Under this legislation, Aboriginal sites and materials are protected, whether previously recorded or reported, or not.

The Aboriginal Heritage Branch of the Department of Planning, Lands and Heritage has undertaken a review of the Register of Places and Objects as well as its Aboriginal Heritage Inquiry System and concluded that there are no Registered Aboriginal Heritage Sites within the subject land. Accordingly, no approvals under the AHA are required. At the same time, the Aboriginal Heritage Branch has recommended that its Aboriginal Heritage Due Diligence Guidelines should be taken into consideration during the development process.

6. Coordination of Region and Local Scheme Amendments

Under section 126(3) of the *Planning and Development Act 2005* the WAPC has the option to concurrently rezone land being zoned Urban under a region scheme to a "Development" zone (or similar) in the Local Planning Scheme. However, this provision does not apply where land is proposed to be zoned Industrial. Therefore, a separate amendment to the Shire of Murray Town Planning Scheme No. 4 will be necessary.

7. Substantiality

The *Planning and Development Act 2005* allows for amendments to the region planning schemes to be processed as either 'minor' or 'major' amendments, depending on whether or not they are considered to constitute a substantial alteration to the scheme.

In this respect, WAPC *Development Control Policy 1.9: Amendment to Region Schemes* outlines criteria considered by the WAPC when determining if an amendment is a substantial alteration to a region planning scheme.

The WAPC considers the proposed amendment would be a substantial alteration to the Peel Region Scheme for the following reasons:

- The land is currently zoned Rural and transferring the land to the Industrial would represent a significant change of land use.
- The area of land affected by the proposed amendment is regionally significant – a total of about 201 hectares.
- The amendment would lead to a significant amount of industrial land located outside Phase 1 of the Nambeelup Industrial Area.
- The proposed amendment would increase the size of the recently-enlarged Industrial zone at Nambeelup by about 68 per cent.

8. Sustainability Appraisal

The proposed rezoning is considered sustainable for the following reasons:

- The proposed Industrial zone is consistent with all regional strategic planning over a period of more than 21 years and with the *Nambeelup Industrial Area District Structure Plan, 2016* which is the product of more than 10 years of planning, environmental, drainage and infrastructure investigations and two phases of public consultation.

- There is need for the region planning scheme to be capable of delivering industrial land in advance of market conditions, having regard for the considerable lead times for amending the local planning scheme, preparation and approval of a local structure plan, subdivision and development.
- Rezoning and development of the land for industrial purposes will contribute to the sustainability of the regional economy and enhance business and employment opportunities for the Peel region. This in turn will provide socio-economic benefits.
- Key infrastructure services including water, sewerage, electricity, communications and potentially gas can be provided to the proposed industrial area.
- All environmental constraints can be satisfactorily addressed.

9. Environmental Protection Authority Advice

The proposed amendment has been referred to the Environmental Protection Authority for advice on whether environmental assessment would be required. In this respect, the EPA advises that the proposed amendment does not require assessment under the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at [Appendix B](#).

10. The Amendment Process

The procedures for amending the Peel Region Scheme are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being progressed pursuant to section 41 of that Act.

In essence, the procedure for a substantial alteration to the Peel Region Scheme (often referred to as a major amendment) involves:

- preparation of the proposed amendment by the WAPC;
- referral to the EPA for environmental assessment;
- completion of an Environmental Review (if required) to EPA instructions;
- public submissions being sought on the proposed amendment (including environmental review if required);
- consideration of submissions (including hearings, where requested);
- referral of the WAPC recommendations, with or without modifications in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both houses of Parliament, which can disallow the amendment;
- the amendment taking legal effect after 12 sitting days, if it is no longer subject to disallowance; and
- where the WAPC has agreed to the concurrent amendment of a local planning scheme under section 126 of the *Planning and Development Act 2005*, the local planning scheme amendment becomes effective upon gazettal of the PRS amendment.

An explanation of this process, titled '*The Peel Region Scheme, what it is and how it is amended*' can 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 Peel Region Scheme.

The amendment is being advertised for public submissions for a period of three months from 18 April 2019.

Copies of the amendment will be available for public inspection at the following locations:

- Western Australian Planning Commission, 140 William Street, Perth
- Shire of Murray municipal offices, corner Pinjarra Road and Murray Street, Pinjarra
- City of Mandurah municipal offices, 3 Peel Street, Mandurah
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre

Documents are also available from the Planning WA website: www.planning.wa.gov.au.

Written submissions or comments on the amendment should be sent to:

The Secretary
Western Australian Planning Commission
Locked Bag 2506, Perth WA 6001

and must be received by 5:00pm 19 July 2019. Late submissions will not be considered.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in Appendix F of this report. Additional copies of the form are available from the display locations and the Planning WA website, www.planning.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 amendment is presented to both Houses of 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.

12. 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.

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

13. Modifications to the Amendment

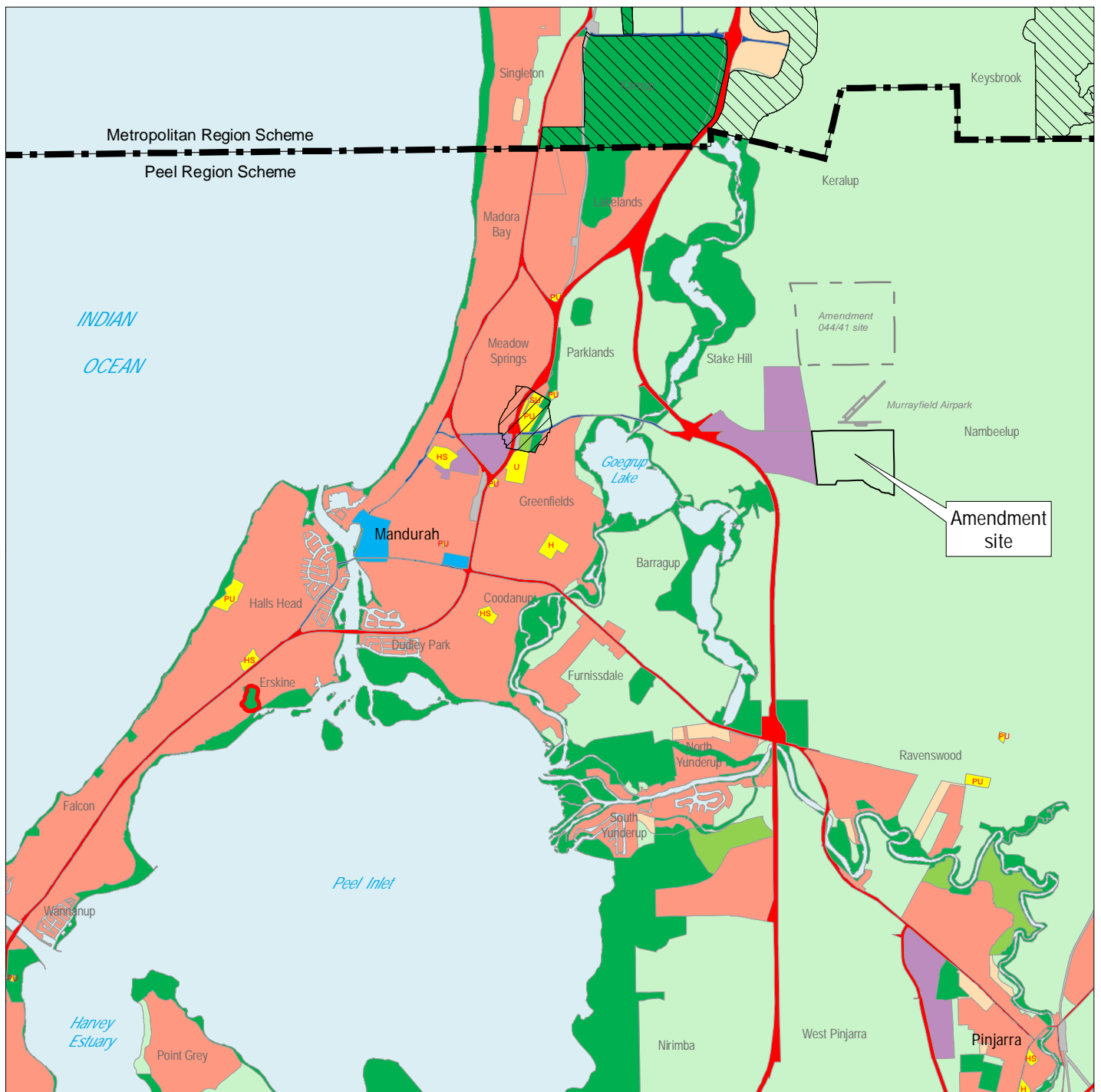
After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

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 Planning WA website, www.planning.wa.gov.au

14. Final Outcome

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

Appendix A
Proposed Amendment



Peel Region Scheme Amendment 046/41
Location of Proposed Amendment

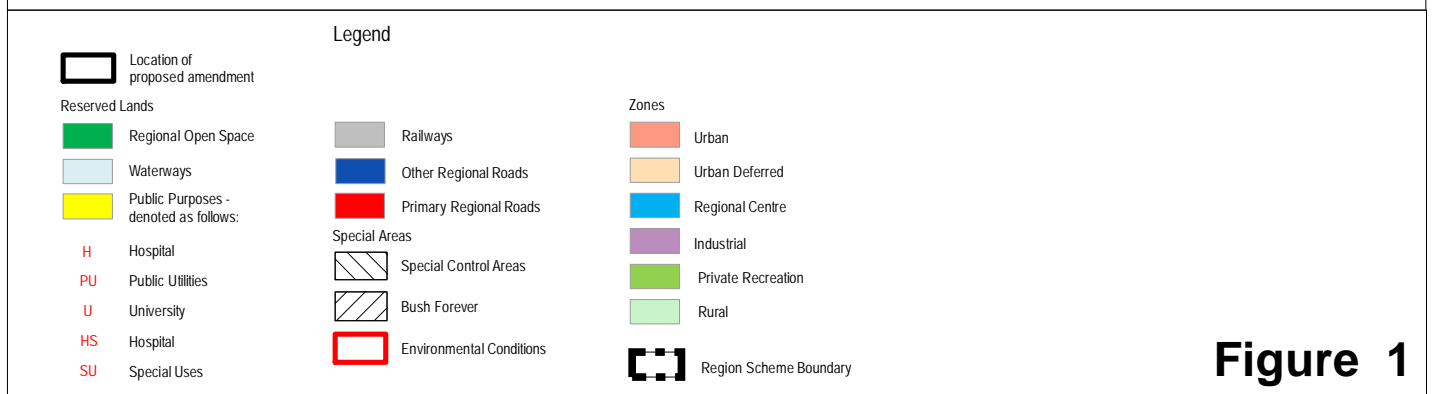
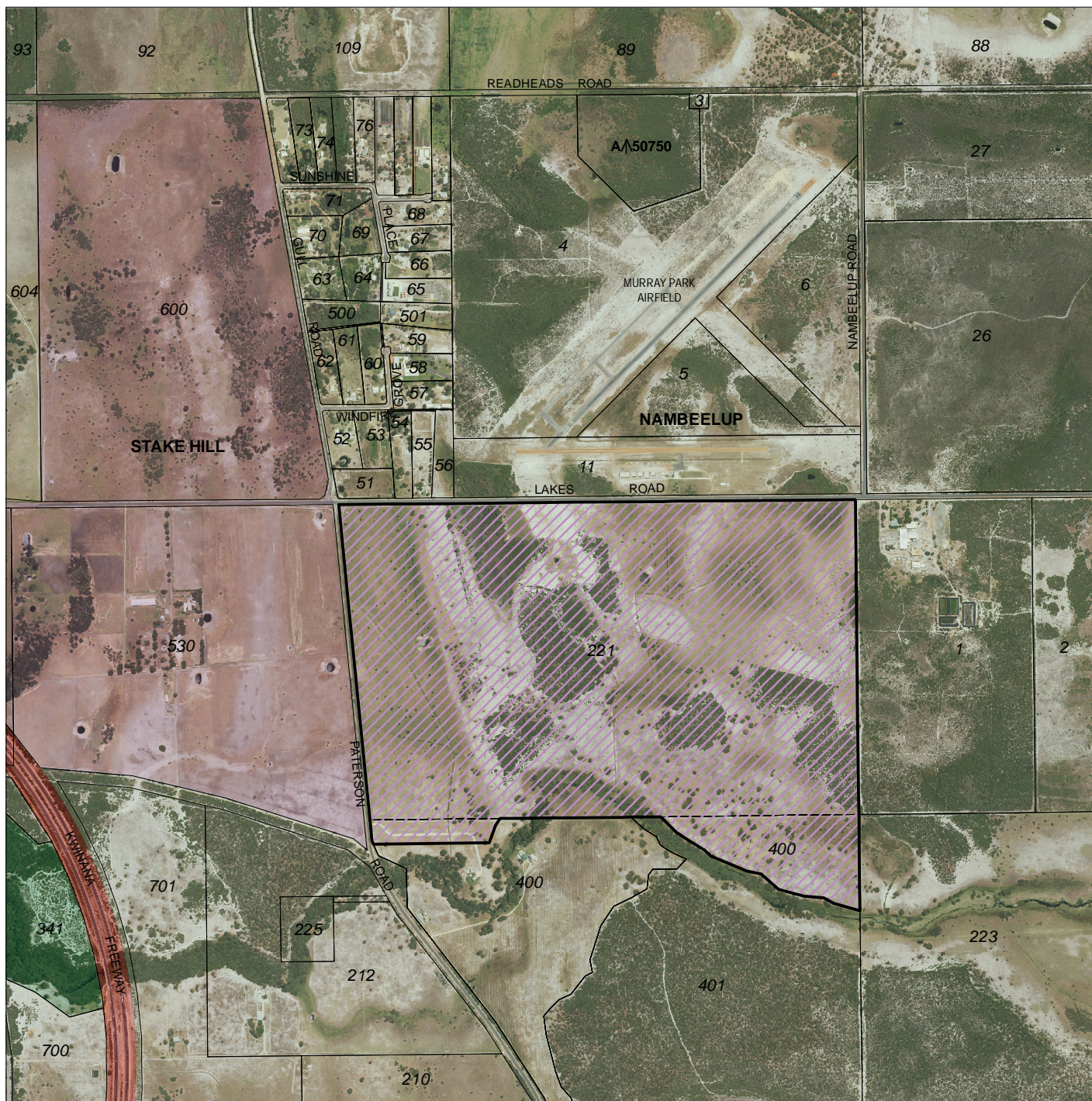


Figure 1

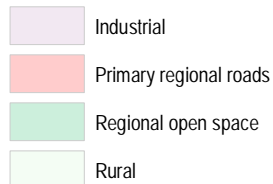


Peel Region Scheme Amendment 046/41 - Lot 221 & Parts of Lot 400, Nambeelup
Proposed Major Amendment
 for public comment

Proposed Amendment:



Existing Region Scheme:



Oracle reference no: 2981
 File number: RLS/0776
 Version number: 1

Figure 2

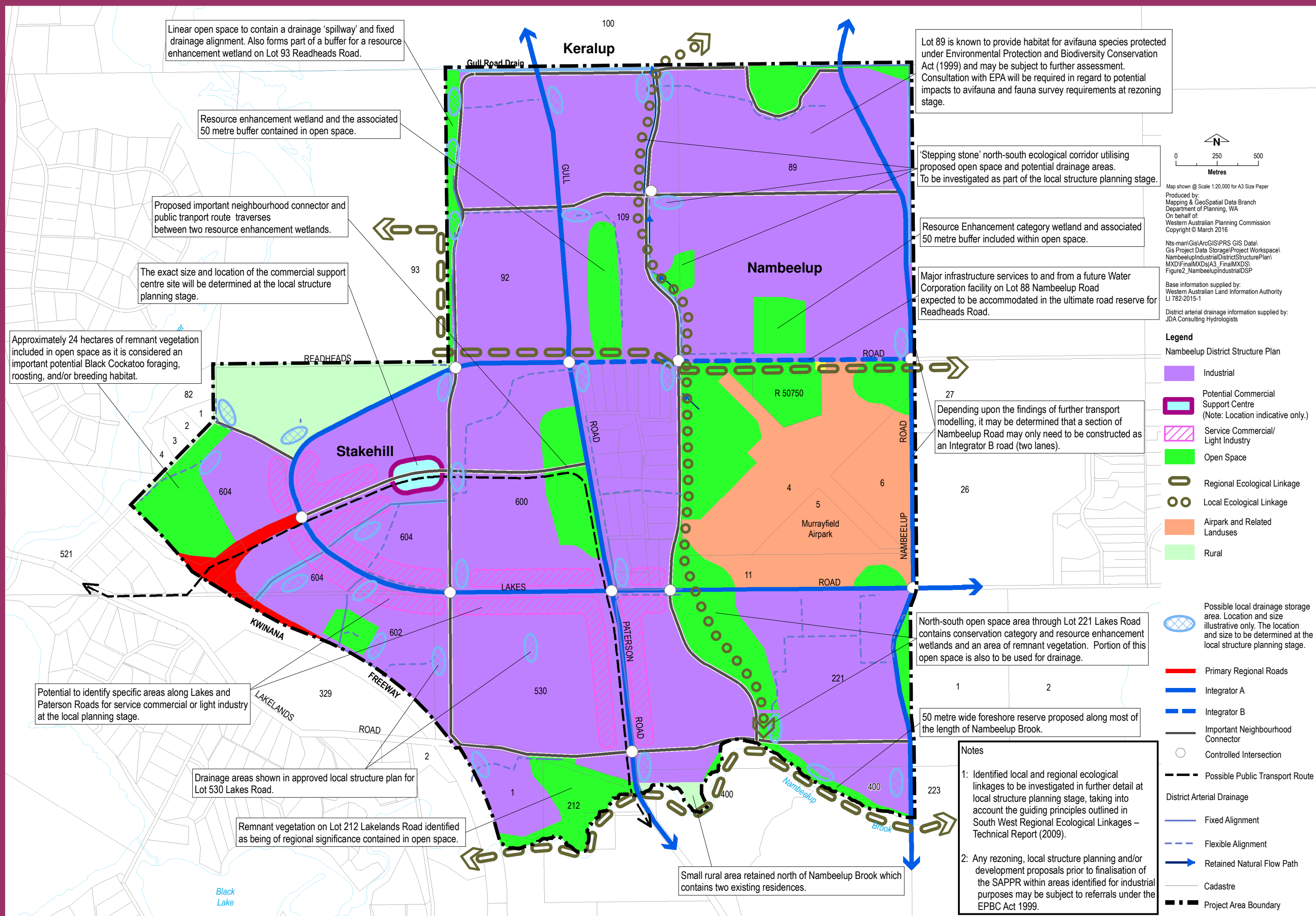


Figure 3

Appendix B

Notice of Environmental Assessment

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Unit 2B, 11-13 Pinjarra Road
MANDURAH WA 6210

Our Ref: CMS17571
Enquiries: Teresa Bryant, 6364 7600
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Ms Fagan

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

SCHEME:	Peel Region Scheme Amendment 046-41
LOCATION:	Lot 221 Lakes Rd & portions of Lot 400 Paterson Road, Nambeelup
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, appearing to read 'RH' followed by a stylized flourish.

Robert Hughes
Delegate of the Environmental Protection Authority
A/Executive Director
EPA Services

25 March 2019

Appendix C

Your Property and the Peel Region Scheme

Your Property and the Peel Region Scheme

If land is reserved in the Peel Region Scheme

Land which is affected by a reservation in the Peel Region Scheme (PRS) will ultimately be acquired by the government, but generally can remain in private ownership until it is actually needed for the public purpose.

There are several options available to the owners of reserved land :

- Retain ownership and continue with the quiet enjoyment of the property until it is needed for the public purpose. You may complete any development or subdivision of the property that was approved prior to the reservation coming into effect.
- Sell the property on the open market to another person(s). The Western Australian Planning Commission (WAPC) recognises that due to the reservation this may be difficult and, subject to acquisition priorities and the availability of funds, would be willing to consider the purchase of 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 the early acquisition of a reserved property. In such cases the property is purchased at the current market value had the property not been affected by the reservations, with the value being determined by independent valuations of the property.
- Make a claim for compensation for injurious affection, following the WAPC's refusal of a development application or approval of a application subject to conditions that are unacceptable to the applicant. In such cases the WAPC may elect to purchase the property instead of paying compensation, with the purchase

price being determined in the same way as a negotiated purchase

Am I entitled to compensation ?

If your land is reserved in the PRS, you may be able to make a claim for compensation for injurious affection if :

- you are the owner of the property when it is first reserved in PRS and you wish to sell the property on the open market at a reduced price;
- or
- the WAPC has either refused a development application over the property or has approved a development application subject to conditions that are unacceptable to the applicant.

How do I claim compensation ?

1. If you have chosen 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 of Planning. 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 sworn unaffected and affected values of the property. You may wish to meet with the Board to raise any matters you believe are relevant to the value of the property.

Following the determination by the Board:

- You will be notified of the unaffected value of the property.
- You pay a valuation fee to the WAPC, after which you will be notified of the affected value of the property - this will represent the minimum sale price.

- You then arrange the sale of the property, either privately or through an agent. Note that the sale price must not be less than the affected value determined by the board.
- When the property is sold, you may 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 for a revaluation of the property. The sale process is then repeated.
- Once compensation has been paid, a caveat is lodged on the Certificate of Title, to indicate that compensation has been paid. Please note that 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. If the WAPC has refused your development application or approved it subject to unacceptable conditions **and** the property is reserved in the PRS, 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 will either pay compensation or may elect to purchase the property in lieu of paying compensation.

If the WAPC elects to purchase the property, sworn valuations are obtained for the market value of the property as at the date of the election to purchase, had the property not been reserved in the PRS. Please note that the date of valuation is fixed at the date of election to purchase.

What is compulsory acquisition ?

A situation may arise where a property is needed as a priority for a public purpose and the owner is unwilling to sell the property to the WAPC.

In such a case, the property may be compulsorily acquired (or "resumed") for that public purpose.

Where a property has been resumed by the WAPC, you have the right to make a claim for compensation in respect of the land resumed.

The WAPC will have the resumed land valued and following the checking of the compensation claim will make you an offer of compensation for the resumed land.

Should you have any queries concerning the matters raised in this brochure, please do not hesitate to contact WAPC Property Management Services.

Appendix D

Preparing For Your Submission and Hearing

Preparing For Your Submission and Hearing

The Western Australian Planning Commission (WAPC) welcomes comment on proposed amendments to the Peel Region Scheme 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. 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 57 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 Environmental Protection Authority.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and will become public documents. 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.

The hearings committee 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.

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

Appendix E
Submission Form

SUBMISSION
Peel Region Scheme Amendment 046/41

OFFICE USE ONLY

SUBMISSION NUMBER

Hearing of Submissions

Anyone who has made a written submission on the amendment will also have 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 D**, titled '**Preparing for your submission and hearing**'.

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 Western Australian Planning Commission (WAPC) is subject to the *Freedom of Information Act 1992* (FOI Act) and as such, submissions made to the WAPC may be subject to applications for access under the FOI 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 Infrastructure 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 (5.00pm) on Friday 19 July 2019. Late submissions will NOT be considered.