



January 2020

**Greater Bunbury
Region Scheme
Amendment 0056/57
(Minor Amendment)**



**Lots 4354 and 4440
Bussell Highway and Pt of
the Bussell Highway Road
Reserve, Bunbury**

Amendment Report

City of Bunbury

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**Lots 4354 and 4440 Bussell Highway and part of the
Bussell Highway Road Reserve, Bunbury**

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The Greater Bunbury Region Scheme

What it is and how it is amended

Planning Greater Bunbury's future

The most populous area of the South-West Region of Western Australia is the area encompassed by the Greater Bunbury Region Scheme (GBRS). The GBRS covers the City of Bunbury and the Shires of Capel, Dardanup and Harvey.

The Greater Bunbury locality is one of the fastest growing areas in Australia, with a population projected to exceed 100,000 by 2031. As it grows, change must be well planned and well managed.

Provision must be made for future housing, employment opportunities and transport needs to meet this growth. It is also necessary to set aside land for conservation and recreation.

The GBRS provides for this change, and the means by which affected landowners can be compensated for land acquired for regional public purposes.

What is the Greater Bunbury Region Scheme?

The GBRS is a region planning scheme for land use in the Greater Bunbury area. This area stretches from Lake Preston in the north, Peppermint Grove Beach in the south and east to the Darling Scarp.

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

The GBRS uses a set of maps and a scheme text. The scheme text provides planning rules for zones and reservations, which are shown on the maps in different colours and patterns.

This plan has been in operation since November 2007 and provides the legal basis for planning in the Greater Bunbury area.

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

What is an amendment?

An amendment to the GBRS changes the zoning or reservation of land to allow for a different land use.

When a rezoning or a new reservation is considered, an amendment to the GBRS is advertised to seek comment from the wider community and all levels of government.

The process allows for extensive community consultation and discussion in Parliament before a final decision is made.

How is the Greater Bunbury Region Scheme amended?

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

The amendment process is regulated by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 57 (often referred to as a minor amendment).

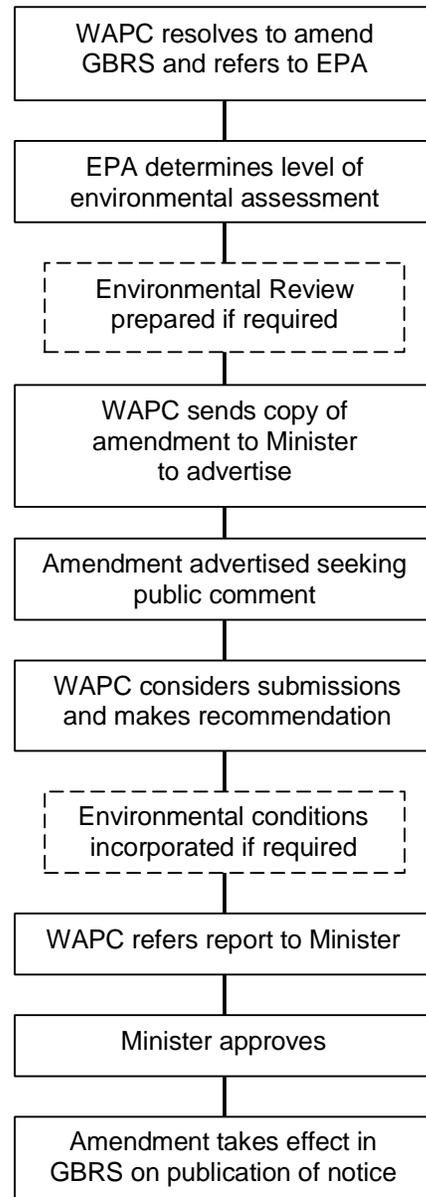
The process of a minor amendment to the GBRS includes the following steps:

- Formulation of the amendment by the WAPC.
- Referral of the proposed amendment to the Environmental Protection Authority (EPA) to set the level of environmental assessment. Where the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Advertising the amendment for public inspection and inviting submissions. Advertisements are placed in local and statewide newspapers, and information is made available on the WAPC's website. Landowners whose property is directly

affected by a proposed change are contacted in writing. Where there is an environmental review, this is also made available for comment.

- WAPC receiving public submissions over a period of 60 days.
- WAPC considering written submissions. WAPC recommends whether to modify the amendment or proceed with the original proposal.
- WAPC presenting a report and recommendation to the Minister for Planning.
- Minister approving amendment, with or without modification, which becomes legally effective in the GBRS with the publishing of a notice advising of the Minister's approval. Minister may also decline to approve. The approved amendment is placed on public display.

The following diagram shows the main steps.



When the GBRS is amended, local planning schemes must also be amended to match the broad zonings and reservations of the GBRS. Affected local governments provide more detailed planning for each area.

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

Zones and reservations

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

Zones

Urban: to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

Urban Deferred: land suitable for future urban development but where there are various planning servicing and environmental requirements which need to be addressed before urban development can take place.

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

Regional Centre: the Bunbury central business district within which commercial, civic, cultural, residential, service and administration activities serving the region are located.

Industrial: to provide for manufacturing industry, the storage and distribution of goods and associated uses.

Industrial Deferred: land suitable for future industrial development but where there are various planning, servicing and environmental requirements which need to be addressed before industrial development can take place.

Rural: to provide for the sustainable use of land for agriculture, assist in the conservation and wise use of natural resources including water, flora, fauna and minerals, provide a distinctive rural landscape setting for the urban area and accommodate carefully planned rural living developments.

Private Recreation: to accommodate regionally significant open space and recreation activities in private use.

Reservations

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

Regional Open Space: to protect the natural environment, provide recreational opportunities, safeguard important landscapes and provide for public access.

Primary Regional Roads: to provide a regional road network to accommodate current and future transport needs on roads declared under the *Main Roads Act 1930*.

Other Regional Roads: to provide a regional road network to accommodate current and future transport needs on roads for which the planning responsibilities are shared between the Commission and local government.

Railways: to provide for the passage of trains, the marshalling, maintenance and storage of rolling stock, and the conveying of public and freight by rail.

Port Installations: to provide for the current and future expansion needs of the Port of Bunbury.

Waterways: to recognise permanently inundated inland and coastal lands below the high water mark, and existing and proposed water canals.

State Forests: to recognise State forests.

Public Purposes: land for public facilities such as airports, hospitals, high schools, universities, technical schools, prisons, utilities for electricity, water and treatment of wastewater, commonwealth government and other special uses.

What if my land is rezoned?

Landowners may find that an amendment seeks to rezone their property, for example from rural to urban or urban deferred.

If the zoning is changed, landowners do not have to change their use of the land or lifestyle. They can stay as they are or they may set about changing their land use. For

instance, some may seek approval to subdivide their land or apply to develop it in some way that suits the new zoning.

The WAPC realises that many people choose their properties because they like them as they are and may not want to change from, for example, a rural-residential lifestyle to an urban area. Others are keen to change the land use.

For these reasons, amendments to the GBRS are advertised so that all affected landowners and anyone else have time to examine the proposals and lodge a submission.

What if my land is reserved?

Land is reserved because it will be needed eventually for a public purpose such as parks and recreation or other regional roads.

If your land is marked for a reservation in an advertised amendment, you can continue to use and enjoy your property. Generally, reserved land can remain in private ownership until it is needed for the purpose for which it is reserved. The WAPC has reservations over many areas of land, which are privately owned.

To protect landowners, there are procedures for acquisition or compensation by the WAPC. These are outlined in Your Property and the Greater Bunbury Region Scheme, a leaflet reproduced at the back of this report and available separately from the Department of Planning, Lands and Heritage.

How can my views be heard?

You can lodge a written submission on the proposed amendment during the advertised period. A submission form is available at the back of this report, from the display locations for this amendment and from the WAPC's website.

Publications

In the course of each substantial amendment to the GBRS, information is published under the following titles:

Amendment report

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

Environmental review report

The EPA considers the environmental impact of an amendment to the GBRS before it is advertised. Should the EPA require formal assessment an environmental review is undertaken and that information is made available for comment at the same time as the amendment report.

Report on Submissions

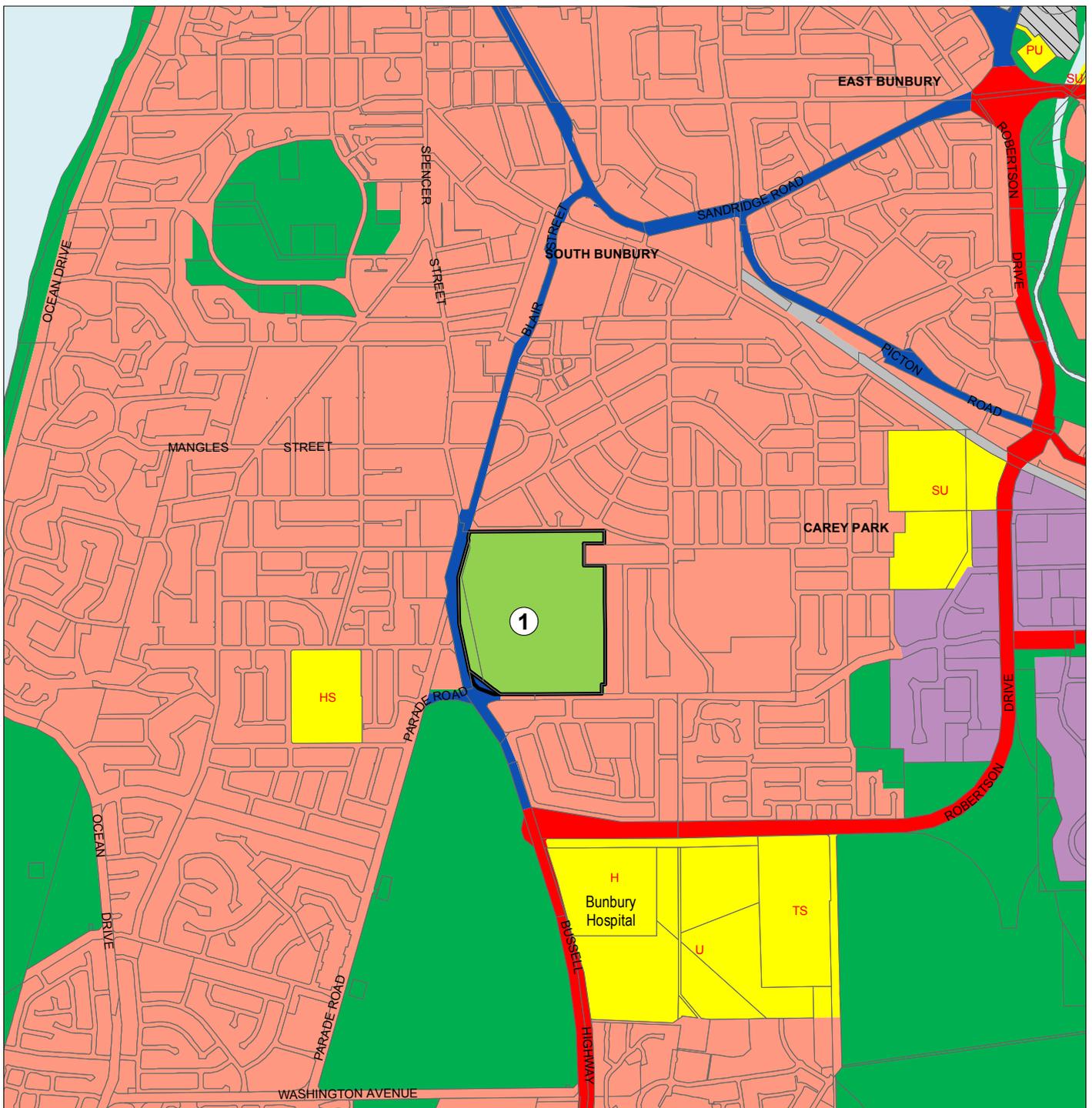
This publication documents the planning rationale, determination of submissions received and the recommendations for final approval of the amendment made by the WAPC.

Submissions

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

**Lots 4354 and 4440 Bussell Highway and part of the Bussell Highway
Road Reserve, Bunbury**

Location Plan



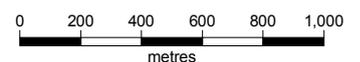
Proposed Amendment to the Greater Bunbury Region Scheme
Location Map of Lots 4354 and 4440 Bussell Highway, Carey Park
and Portion of Bussell Highway Road Reserve

Proposed:

- 1** private recreation zone and other regional roads reservation to urban zone

Greater Bunbury Region Scheme Legend

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



Greater Bunbury Region Scheme Amendment 0056/57

Bunbury Turf Club Lots 4354 and 4440 Bussell Highway and part of the Bussell Highway Road Reserve, Carey Park, Bunbury

1. Planning objective

The purpose of this proposal is to amend the Greater Bunbury Region Scheme (GBRS) by rezoning Lots 4354 & 4440 Bussell Highway, Carey Park, Bunbury from the Private Recreation Zone to the Urban Zone and part of the Bussell Highway road reserve from the Other Regional Roads Reserve to the Urban Zone in order to facilitate future commercial developments at the Bunbury Turf Club as anticipated through the draft Bunbury Racecourses Local Structure Plan (the structure plan).

2. Background

Application is made for an amendment to the GBRS for Lots 4354 & 4440 Bussell Highway and part of the Bussell Highway road reserve itself (the subject land).

Lots 4354 & 4440 are approximately 38.84ha and 2.05ha respectively in size with the portion of the Bussell Highway directly adjacent to these lots being 0.37ha in size.

The proposal involves the amendment of the existing zoning/reserve of the subject land to the Urban Zone under the GBRS.

The subject land, which includes the Bunbury Turf Club, is located in Carey Park some 3km south of the Bunbury CBD.

The racecourses precinct (which includes both the Bunbury Turf Club, the Bunbury Trotting Club and adjacent residential stables sub-precinct) is experiencing considerable change. The nature of the thoroughbred racing industry and standardbred (harness racing) industry is evolving and the two racing clubs need to meet the challenges of new technologies and consumer preferences to meet industry and public expectations to remain financially viable.

The City of Bunbury has prepared the structure plan and a local area plan (LAP), to guide the desired development and environmental outcomes for the racecourses precinct. In doing so, will also provide the context and framework for proposed amendments to the GBRS, the City of Bunbury's Local Planning Scheme No. 8 (LPS8) and Local Planning Strategy.

The subject land is home to the Bunbury Turf Club development with the undeveloped part of the Bussell Highway being used by racecourse participants for uploading and unloading of horses.

The lots making up the Bunbury Turf Club development are both owned by the Bunbury Turf Club Inc. and the section of the Bussell Highway forming part of the subject land is currently under negotiation to also be transferred to the Bunbury Turf Club.

3. Scope and content of the amendment

The process for preparing the structure plan and LAP was described by the City of Bunbury as a whole of government and community approach to strategic planning.

Engagement of the community and stakeholders has been part of formulating the LAP and structure plan. Direct representation of stakeholders was provided at committee level.

The City of Bunbury has publicly advertised between 10 September 2019 and 7 October 2019 for community comment, the LAP, the Structure Plan and the Local Planning Strategy Amendment.

Land uses proposed by the structure plan includes the two existing horseracing clubs with provision for growth and development of their respective club facilities and ancillary purposes over time. Surplus land owned by the clubs (after allowing for retention of open space and landscape areas) is identified for urban development as medium/high density residential and in the case of land fronting Bussell Highway, the opportunity for mixed use commercial and residential.

The structure plan becomes operational once approved by the Western Australian Planning Commission (the Commission). The current zone/reserve under both the GBRs and LPS8 covering the subject land does not make provision for the structure plan vision hence the request for amendments in order to implement components of the structure plan. The Bunbury Trotting Club premises is already zoned Urban under the GBRs.

A Bunbury Racecourses Local Area Plan Economic Assessment was prepared as part of the structure plan and LAP preparation. The main implications arising from review of the economic considerations were that both the Bunbury Turf and Trotting Clubs contribute significantly to the local and regional economies and also the largest training bases for both codes outside of metropolitan Perth. The two clubs are considered important economic assets to the City of Bunbury and the region. Consequently, the structure plan and LAP seek to retain and build on the activities currently provided and to contribute to the ongoing viability of the clubs.

It is noted that the option of co-locating the two racecourses and clubs was previously investigated by Racing and Wagering WA. Although technically possible, co-location was rejected for operational and financial reasons.

Development opportunities identified in the structure plan and LAP includes medical and health-related uses as well as a variety of commercial uses along Bussell Highway which may include fast food outlets, restaurants, fitness centres, limited homemaker retailing and/or showrooms.

Further potential development opportunities includes the continuation of horse racing themed housing, potentially involving an increased density similar to that provided at the Ascot Racecourse in Perth, veterinarian practices specialising in equine services, potential for veterinarian training if a suitable relationship with a provider of veterinarian courses can be established, higher amenity employment uses, potentially incorporating specialised home-office development along Brittain Road.

Better outcomes for the clubs and the racing industry are likely if surplus land in the precinct were to be preferentially used for ancillary activities returning an income to the clubs.

4. Aboriginal Heritage

The *Aboriginal Heritage Act 1972* provides for the protection and preservation of Aboriginal heritage and culture in Western Australia, including places and objects of significance to Aboriginal people, whether previously recorded or not.

The process of rezoning land in a region scheme is not itself directly affected by the *Aboriginal Heritage Act 1972*, as the proposed land use changes are very broad in nature and do not, themselves, physically interfere with the land. The protection of Aboriginal heritage sites is specifically addressed during later stages of the planning process, usually when a local structure plan is being developed.

Nevertheless, in recognising the importance of having reliable Aboriginal information on land and the values attached to it, the proposed amendment will be assessed against the provisions of the *Aboriginal Heritage Act 1972* during the consultation phase of the amendment process.

5. Coordination of Region and Local Scheme amendments

The City of Bunbury's Local Planning Scheme is required to be consistent with the GBRS. Under Sections 126(1) & 126(3) of the *Planning and Development Act 2005* concurrent amendment of a Local Planning Scheme is allowed to reserve for any public purpose or rezone to an Urban zone by these sections and without any further action under the Act.

The structure plan area is however not limited to the subject land only but includes other areas where the current zones and reservations would not permit the proposals in the structure plan. A local scheme amendment to LPS8 would therefore still be required even if the local scheme is automatically amended with the GBRS in relation to the subject land.

It would therefore make more sense to have a stand-alone local scheme amendment for the entire structure plan area (including the subject land) rather than to separate a part under Sections 126(1) & 126(3) of the *Planning and Development Act 2005*.

6. Sustainability appraisal

Under the GBRS, the Bunbury Turf Club site is presently zoned Private Recreation. The remainder of the structure plan area is zoned Urban, with exception of Bussell Highway along the western edge of the site which is reserved for Other Regional Road.

The portion of the structure plan area zoned Urban is an appropriate zoning under the GBRS to facilitate implementation. However, the Private Recreation reservation over the subject land would not permit development of mixed use or residential development, hence amendment of the GBRS is required in order to facilitate such uses.

The proposed amendment on the subject land is considered to be orderly and proper planning as the proposal explored planning solutions in line with the draft structure plan, draft LAP and amendments to the Local Planning Strategy. All of which seek to retain and build on the activities currently provided and to contribute to the ongoing viability of the club.

Planning strategy for the area further comes under the *Greater Bunbury Strategy 2013* where higher residential densities and infill development in all areas of exiting developed land are strongly promoted. This provides the opportunity for housing diversity, housing affordability, urban regeneration and revitalisation, as well as providing a more attractive urban environment.

The subject land is further flanked by already developed residential areas to the north, east and south with existing commercial developments to the south and west.

Detailed planning through the structure planning process addresses the level of services provided with regards to reticulated water and sewerage, underground electricity, telecommunication, access, etc.

7. Substantiality

The *Planning and Development Act 2005* allows for an amendment to a region planning scheme to be processed as either 'minor' or 'major' amendment, depending on whether the Commission considers the amendment to be a substantial alteration to a scheme, or not.

The Commission is of the opinion that this amendment would not constitute substantial alterations to the GBRS for the following reasons:

- consistency of the amendment with the proposed Bunbury Racecourses Local Structure Plan;
- consistency of the amendment with the proposed amended City of Bunbury's Local Planning Strategy 2018; and
- consistency of the amendment with the Greater Bunbury Strategy 2013. The Greater Bunbury Strategy strongly promotes higher residential densities and infill development in all areas of exiting developed land. This provides the opportunity for housing diversity, housing affordability, urban regeneration and revitalisation, as well as providing a more attractive urban environment.

As such it is considered appropriate for this amendment to be processed as a minor amendment to the GBRS.

8. Environmental Protection Authority advice

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

The EPA determined the level of assessment as 'Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given (Not Appealable)'.

9. The Amendment Process

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

Section 57 of the *Planning and Development Act 2005* sets out the procedure for processing amendments which the Commission considers do not constitute a substantial alteration to the Scheme. In essence, this process involves:

- preparation of the proposed amendment by the Commission;
- referral to the Environmental Protection Authority for environmental assessment;
- completion of an Environmental Review (if required) in accordance with the Environmental Protection Authority's instructions;

- public submissions being sought on the proposed amendment (including Environmental review if required);
- consideration of submissions;
- approval, with or without any modifications in response to submissions, or decline to approve by the Minister; and
- publication of a notice Government Gazette, advising of the approved amendment and giving it effect in the Scheme.

A more detailed explanation of this process, entitled 'The Greater Bunbury Region Scheme - What it is and how it is amended' can be found in the front of this report.

10. Submissions on the amendment

The Commission invites people to comment on the proposed amendment to the GBRS.

The amendment is being advertised for public submissions for a period of 60 days from 29 January 2020 to 30 March 2020.

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

- the Perth office of the Western Australian Planning Commission (140 William Street)
- the Department of Planning, Lands and Heritage's Bunbury Office (61 Victoria Street, Bunbury);
- the office of the City of Bunbury; and
- the State Library of WA, Perth Cultural Centre, Northbridge.

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

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

and must be received by 5 pm Monday 30 March 2020.

All submissions received by the Commission 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 Commission's website www.dplh.wa.gov.au.

You should be aware that calling for submissions is a public process and all submissions lodged will become a public document. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in Appendix D of this report regarding preparing a submission.

11. Modifications to the amendment

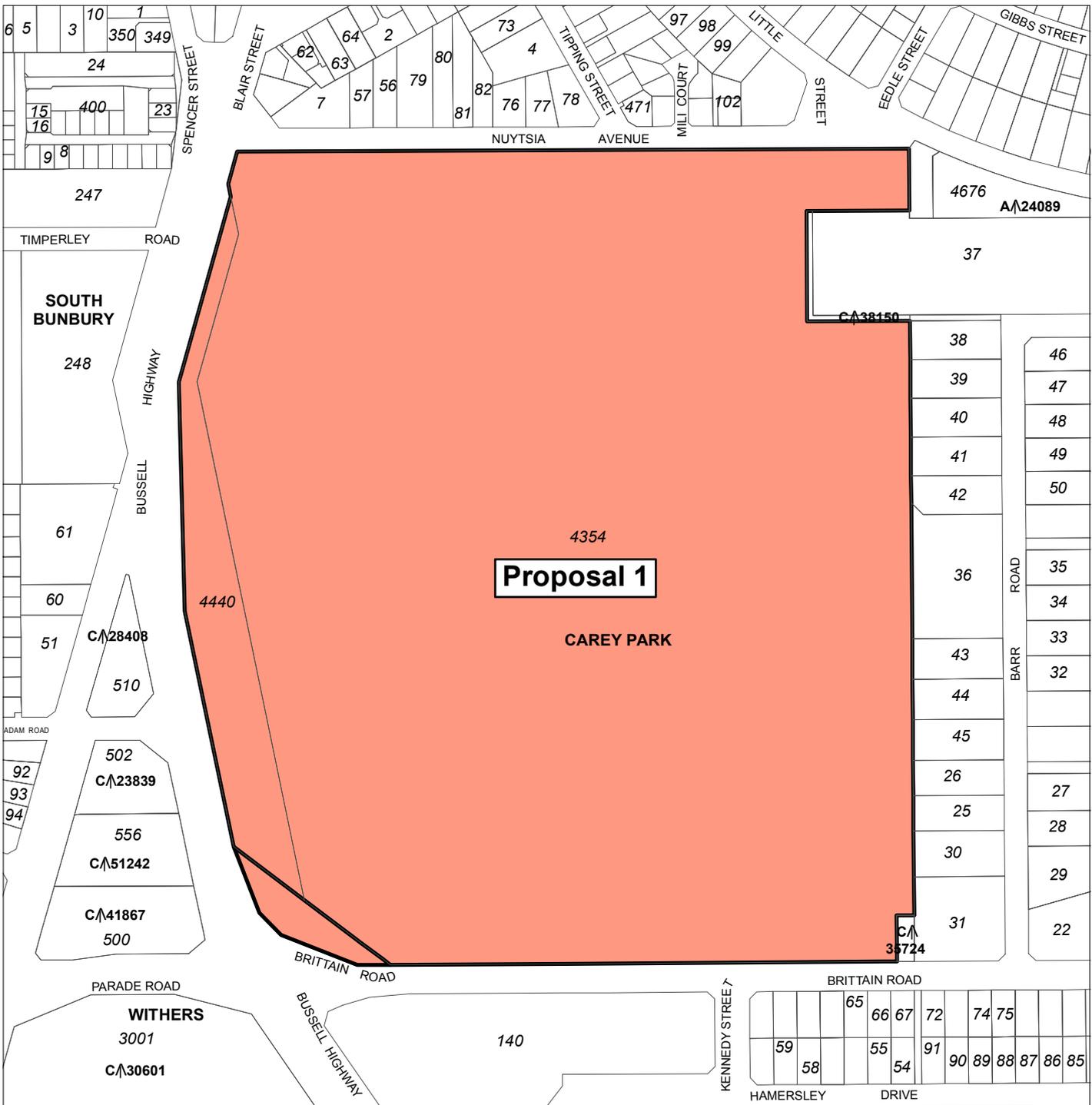
After considering any comments received from the public and government agencies, the Commission may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without modifications in response to submissions, or may decline to approve the amendment.

12. Final outcome

The recommendations of the Commission, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will receive a copy of this document when the amendment is gazetted to give it legal effect.

**Lot 4354 and 4440 Bussell Highway and Part of the Bussell
Highway Road Reserve, Bunbury**

Proposal 1



**Proposed Amendment to Greater Bunbury Region Scheme
 Lots 4354 and 4440 Bussell Highway, Carey Park
 and Portion of Bussell Highway Road Reserve**

30 October 2019

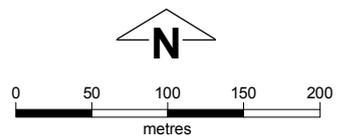
Proposal 1

Proposed Amendment:
 Urban zone

Oracle reference no: 3030
 File number: 833/06/02/0011P
 Version number: 1



Date: 20/01/2020
 Produced by Data Analytics, Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by Western Australian Land Information Authority SLIP 1096-2018-1

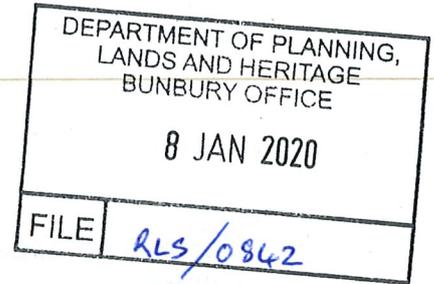


Appendix A

Notice of environmental assessment



Environmental Protection Authority



A10353512

Ms Sam Fagan
The Secretary
Western Australian Planning Commission
Bunbury Tower Sixth Floor
61 Victoria Street
BUNBURY WA 6230

Our Ref: CMS17745
Enquiries: Steve Pavey, 6364 7600
Email: Steve.Paveyi@dwer.wa.gov.au

Dear Ms Fagan

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

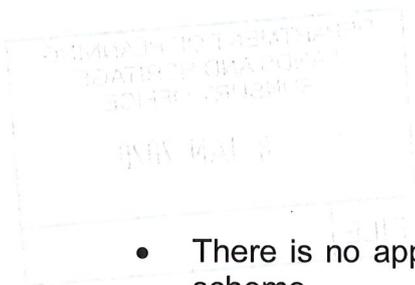
SCHEME: Greater Bunbury Region Scheme Amendment 0056/57
LOCATION: Bunbury Turf Club
RESPONSIBLE AUTHORITY: Western Australian Planning Commission
DECISION: Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (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. I have attached a copy of the Chairman's determination of the scheme.

Please note the following:

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



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

A copy of the Chairman's determination (attached) will be made available to the public via the EPA website.

Yours sincerely

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

18 December 2019

Encl: Chairman's Determination



GOVERNMENT OF
WESTERN AUSTRALIA

S48A Referrals

Environmental Protection Authority

Title: Greater Bunbury Region Scheme Amendment 0056/57

Location: Bunbury Turf Club

Description: The Western Australian Planning Commission proposes to rezone approximately 41 ha of land from the Private Recreation zone and Road Reserve to Urban. Rezoning will facilitate adoption of a local structure plan to guide development at the Bunbury Turf Club.

Ref ID: CMS17745

Date Received: 9/12/2019 **Date Sufficient Information Received:** 9/12/2019

Responsible Authority: Western Australian Planning Commission

Contact: Ben Muller

Preliminary Environmental Factors: None

Potential Significant Effects: None

Management: Not required

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)**

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

This Determination is not appealable.

Chairman's Initials: 

Date: 18 Dec 2019

Appendix B

List of plans supporting the amendment

**Lots 4354 and 4440 Bussell Highway and Pt of the Bussell
Highway Road Reserve, Bunbury**

Proposed minor amendment

Amendment 0056/57

as advertised

Legal plan

3.2746

Detail plan

1.4726

Appendix C

Your Property and the Greater Bunbury Region Scheme



Your Property and Regional Planning Schemes

Your land is reserved in a Regional Planning Scheme

The Western Australian Planning Commission (WAPC) administers three Regional Planning Schemes (RPS's). The Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme.

RPS's are town planning schemes that cover the Perth metropolitan area, the Peel region and the Greater Bunbury region. They classify land into broad zones and reservations. As these regions develop, so the WAPC must amend the RPS's. The RPS's are available for inspection at a local authority office, the Department of Planning, Lands and Heritage, and the WAPC.

Zones are large areas identified as being suitable for purposes such as industry (Industrial zone) and residential (Urban zone). Reservations are areas required for public purposes such as school sites, railways, major roads and parks and recreation areas.

Before rezoning or reserving land, the WAPC approaches affected landowners and invites them to make submissions on the changes proposed through the amendment process.

The government will ultimately acquire reserved land, but the land can generally remain in private ownership until the government needs it for the public purpose.

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

- Retain ownership of your property and continue quiet enjoyment of the property until the government needs it for the public purpose. You may complete any development or subdivision of the property approved before the reservation came into effect.

Under non-conforming use rights, you may continue to use the property for purpose it was legally being used immediately before the reservation came into effect.

- Sell the property on the open market to another person(s). The WAPC recognises that due to the reservation this may be difficult. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property if an owner is unable to achieve a private sale on the open market.
- Offer the property for sale to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider purchasing a reserved property. The WAPC purchases a property at its current market value ignoring the effect of the reservation. The WAPC obtains two independent valuations to provide it with advice on the value of the property.
- If the WAPC refuses a development application on reserved land, or approves a development application subject to conditions that are unacceptable to the applicant, the applicant can make a Claim for Compensation for Injurious Affection. However, you must be the owner of the property when it was first reserved to be eligible to make a claim

In such cases, the WAPC may elect to purchase the property instead of paying compensation. The purchase price can be determined by negotiation, by reference to the State Administrative Tribunal or by arbitration.

Am I entitled to compensation?

If your land is reserved in a RPS and you are the owner of the land when it was first reserved, you may be able to make a Claim for Compensation for Injurious Affection if:

- You wish to sell the property on the open market at a reduced price; **or**
- The WAPC either has refused a development application over the property or has approved a development application over the property subject to conditions that are unacceptable to the applicant.

How do I claim compensation?

1. Private Sale

If wish to sell the property on the open market at a reduced price, complete a Notice of Intention to Sell form which is available from the Department. The Department will establish the extent of the reservation and forward the Notice to the Board of Valuers.

The Board of Valuers will determine the value of the property as unaffected by the reservation. You may wish to attend the Board's meeting to present any matters you believe are relevant to the value of your property.

Following the Board's decision:

- The Board will advise you of the unaffected value of the property.
- You pay the Board's valuation fee to the Department. The Department will advise you of the affected value of the property. This is the minimum price for which you can sell the property and receive the full amount of compensation. The valuation fee is refundable upon the sale of the property.
- You then arrange the sale of the property (either privately or through an agent). The sale price must not be less than the affected value.

You (and your agent) must inform prospective purchasers that you are selling the property at a reduced price and that you will be claiming compensation for injurious affection from the WAPC. You must also include a special condition in the Offer and Acceptance.

- After you sell the property, you make a Claim for Compensation for Injurious Affection for the difference between the sale price and the unaffected value as determined by the Board.
- If the property does not sell within one year of the Board's valuation, you may ask the Board to revalue the property. The sale process is then repeated.
- After the WAPC pays compensation, the WAPC will lodge a Notification on the Certificate of Title to identify that it has paid

compensation. Compensation is only payable once.

- Alternatively, you may ask the WAPC to purchase the property, as you have been unable to sell the property privately.

2. Refused Development

If the WAPC refused your development application or approved it subject to unacceptable conditions **and** the property is reserved in a RPS, you may make a Claim for Compensation for Injurious Affection within six months of the WAPC's decision on the application.

In such a case, the WAPC either will pay compensation or may elect to purchase the property instead of paying compensation.

If the WAPC elects to purchase the property, it obtains valuations for the market value of the property as at the date of the election to purchase. The date of valuation is fixed at the date of election to purchase.

What is compulsory acquisition?

A situation may arise where the government urgently requires a property for a public purpose and the owner is unwilling to sell the property to the WAPC. In such a case, the government may compulsorily acquire ("resume" or "take") the property for that public purpose.

When the WAPC takes a property, you have the right to make a Claim for Compensation for the land taken. The WAPC will obtain valuations of the taken land and, after checking of the compensation claim, will make you an offer of compensation.

Should you have any queries about the information in this brochure, please contact the Department's WAPC Property Management Services branch.

Appendix D

Preparing a submission

Preparing a submission

The WAPC welcomes comment on proposed amendments to the Greater Bunbury Region Scheme (GBRS) from interested individuals, groups and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding.

Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

Please remember to complete the submission form (form 57 – appendix E). Include your name and full postal address on side one. It is preferred that any attachments be loose rather than bound.

The closing date for submissions and where they should be lodged is shown on form 57 and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

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

Appendix E

**Submission form for this amendment
(Form 57)**

You should be aware that:

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

To be signed by person(s) making the submission

Signature Date

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 30 March 2020 Late submissions will NOT be considered.

Contacts: Telephone - (08) 9791 0577; Email – gbrs@dplh.wa.gov.au; Website - <http://www.dplh.wa.gov.au>