

March 2017

**Greater Bunbury
Region Scheme
Amendment 0046/57
(Minor Amendment)**



Bunbury Airport Expansion
Offset and Reservation
Anomaly

Report on Submissions

City of Bunbury



GOVERNMENT OF
WESTERN AUSTRALIA

**Greater Bunbury Region Scheme
Amendment 0046/57
(minor amendment)**

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Anomaly**

Report on Submissions

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Internet: www.wa.gov.au

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

Locked Bag 2506
Perth WA 6001

GBRS Amendment 0046/57 Report on Submissions
File RLS/0673

Published March 2017

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Introduction to Greater Bunbury Region Scheme minor amendments

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

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

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

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

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

Amendment Report

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

Environmental Review Report

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

Report on Submissions

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

Submissions

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

REPORT ON SUBMISSIONS

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Report on Submissions

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Greater Bunbury Region Scheme Amendment 0046/57
Bunbury Airport Expansion offset and reservation anomaly, Lot 706 and 505
South Western Highway, Davenport

1 Introduction

The purpose of this amendment proposal is to rationalise the Greater Bunbury Region Scheme (GBRS) zones and reservations of portion Lots 505 and 706 South Western Highway, Davenport to complete the necessary actions required to be undertaken by the City of Bunbury in regard to agreed Federal and State environmental offsets associated with the expansion of the Bunbury Airport, and to rectify a minor mapping anomaly.

The proposal will see an area of just over 11 hectares rezoned to the Regional Open Space reservation as part of the environmental offset.

2 The proposed amendment

The City of Bunbury have recently undertaken the expansion of the Bunbury Airport to facilitate a new rescue helicopter facility and additional hangars. This was subject of previous GBRS amendment 0039/57 which was Gazetted in 20 October 2015.

In order to meet the environmental offset requirements set by the State and Federal Governments (Clearing Permit 5589/1 and EPBC approval 2013/6872) for the airport expansion the City of Bunbury are required to reserve a portion of Lot 706 as Regional Open Space on or before 30 March 2018.

Due to an administrative error in the processing of the Legal Plans for Amendment 0039/57 a small area of the Public Purposes - Airport reservation on Lot 505 did not transfer to the Rural zone as proposed in the amendment, as such this anomaly is now being rectified.

The proposal will rezone approximately 11.8ha of land from Rural to the Regional Open Space Reservation (portion Lot 706) and approximately 1.6 ha of land from Public Purposes - Airport reservation to the Rural zone (Portion Lot 505).

The land to be reserved Regional Open Space, as described in the City of Bunbury's Offset Management Plan, includes vegetation with condition found to be Very Good (43%) or Very Good to Good (38%) and Good (16%) and provides suitable habitat for both Western Ringtail Possums and Black Cockatoos. The offset site will also be managed to mitigate the threats (weed, rubbish dumping, dieback) to the remnant native vegetation and Western Ringtail Possum/black cockatoo habitat.

It is anticipated that upon the formal creation of the Preston River to Ocean Regional Park, the additional areas of Regional Open Space subject of and adjacent to this amendment will be included within the regional park.

The land to be zoned Rural is contained within Lot 505 and is outside of Lot 507 which contains the airport infrastructure and is surplus to the requirements of the operation. Transferring the land to the Rural zone is consistent with the zoning of the adjoining land.

The City of Bunbury have resolved to initiate Amendment No. 67 to Town Planning Scheme No. 7 to amend the zoning to be consistent with the GBRS as amended.

3 Formal Environmental Protection Authority advice

The EPA has advised that the proposed amendments do not require formal assessment under part IV Division 3 of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at Appendix A.

4 Call for Submissions

The proposed amendment was advertised in the Government Gazette on 17 January and remained open for public submissions until 17 March 2017.

The proposed amendment was also available for public inspection at the following locations:

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

Notice of the proposed amendment was also published in the Western Australian and the South Western Times.

Owners adjacent to the land subject to the proposed amendment were provided with a copy of the Amendment Report and advised of the opportunity to lodge a submission in respect of the proposed amendment.

5 Submissions

When the advertising of the proposed amendment closed, a total of 4 submissions had been received.

Of the submissions, all provided no comment or advice without objecting to the proposed amendment.

The submissions were from the Department of Water, Department of Fire and Emergency Services, Department of Environment Regulation and Department of Aboriginal Affairs.

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

6 Issues raised in Submissions

No issues were raised in the submissions.

7 Modifications to the amendment

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

8 Co-ordination of Region and Local Scheme Amendments

Section 126(1) of the *Planning and Development Act 2005* allows for the concurrent amendment of a Local Planning Scheme to a reserve for any public purpose by force of this section and without any further action under the Act. The Regional Open Space reservation will therefore automatically be in place in the City of Bunbury's Local Planning Scheme upon Gazettal.

As previously advised in the amendment report for 0039/57, the City of Bunbury have resolved to initiate Amendment No.67 to Town Planning Scheme No.7 to amend the zoning to be consistent with the GBRS as amended, which will include the portion of Lot 505. This amendment to the local scheme will resolve the rural component of the anomaly.

8 Conclusion and recommendation

The report summarises the background and reasoning for Amendment 0046/57 to the Greater Bunbury Region Scheme and examines the submissions received. The WAPC thanks those who made submissions.

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

10 Minister's decision

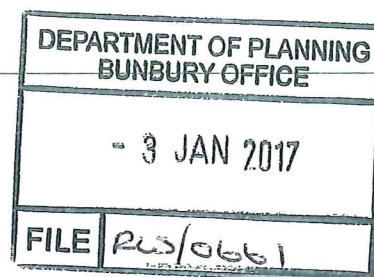
Amendments to the Greater Bunbury Region Scheme using the provisions of section 57 of the *Planning and Development Act 2005* require the WAPC to provide a report and recommendation to the Minister for Planning for approval. The Minister may approve, approve with modification or decline to approve the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

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

GBRS Amendment 0046/57 is now finalised as advertised as shown on WAPC Amending Plan 3.2695 and has effect in the Greater Bunbury Region Scheme from the date of notice in the *Government Gazette* on 26 May 2017.

APPENDIX A

NOTICE OF ENVIRONMENTAL ASSESSMENT



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

Your Ref:
Our Ref: CMS16333
Enquiries: Gerard O'Brien, 6145 0800
Email: Gerard.O'Brien@epa.wa.gov.au

Dear Sir/Madam

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

SCHEME: Greater Bunbury Region Scheme Amendment
0046-57
LOCATION: Lot 706 and 505 South Western Highway
Davenport
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, reading "Liesl Röhl". The signature is written in a cursive style with a large, stylized 'L' and 'R'.

Liesl Röhl
A/Director
Strategic Policy and Planning Division

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

23 December 2016

APPENDIX B

ALPHABETICAL LISTING OF SUBMISSIONS

Alphabetical Listing of Submissions

GBRS Amendment 0046/57

**Bunbury Airport Expansion offset and reservation anomaly, Lot 706 and 505
South Western Highway, Davenport**

Submission Number	Name
4	Aboriginal Affairs, Department of
3	Environment Regulation, Department of
2	Fire and Emergency Services, Department of
1	Water, Department of

APPENDIX C

SUMMARY OF SUBMISSIONS AND DETERMINATIONS

**AMENDMENT 0046/57 TO THE GREATER BUNBURY REGION SCHEME
BUNBURY AIRPORT EXPANSION OFFSET AND RESERVATION
ANOMALY**

SUMMARY OF SUBMISSIONS AND DETERMINATIONS

Submission:	1
Submitted by:	Department of Water (DoW)
Nature of Interest:	Government Agency
Affected Land:	Part Lots 505 & 706 South Western Highway, Davenport
Summary of Submission:	Determined that the amendment would have a low risk to water resources. No objection.
Planning Comment:	Noted
Determination:	Submission noted

Submission:	2
Submitted by:	Department of Fire and Emergency Services
Nature of Interest:	Government Agency
Affected Land:	Part Lots 505 & 706 South Western Highway, Davenport
Summary of Submission:	Queried referral, noting there was no intensification of land use and the proposal did not conflict with the objectives or intent of SPP 3.7.
Planning Comment:	Noted
Determination:	Submission noted

Submission:	3
Submitted by:	Department of Environment Regulation
Nature of Interest:	Government Agency
Affected Land:	Part Lots 505 & 706 South Western Highway, Davenport
Summary of Submission:	No comment
Planning Comment:	Noted
Determination:	Submission noted

Submission:	4
Submitted by:	Department of Aboriginal Affairs (DAA)
Nature of Interest:	Government Agency
Affected Land:	Part Lots 505 & 706 South Western Highway, Davenport
Summary of Submission:	No reported Aboriginal sites or Aboriginal heritage places within the areas of the proposal. Recommends the proponents take into consideration of DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments.
Planning Comment:	Noted
Determination:	Submission noted

APPENDIX D

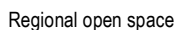
THE AMENDMENT FIGURE AS ADVERTISED



Lot 706 (R40664) & Part Lot 505 (R670) SOUTH WESTERN HIGHWAY, DAVENPORT

Figure 1

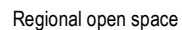
Proposed:



Existing:



Environmental conditions



APPENDIX E

LIST OF PLANS AS ADVERTISED

Bunbury Airport Expansion Offset and Reservation Anomaly

Proposed minor amendment

Amendment 0046/57

as advertised

Legal plans

3.2695

APPENDIX F

SUBMISSIONS

Tranter, Michael

From: DERRINGTON Cathie <Cathie.DERRINGTON@water.wa.gov.au>
Sent: Tuesday, 21 February 2017 2:18 PM
To: Bunbury Planning; La Nauze, Kath
Subject: RE: GREATER BUNBURY REGION SCHEME AMENDMENT 0046/57, BUNBURY AIRPORT EXPANSION OFFSET AND RESERVATION ANOMALY.

21st February 2017

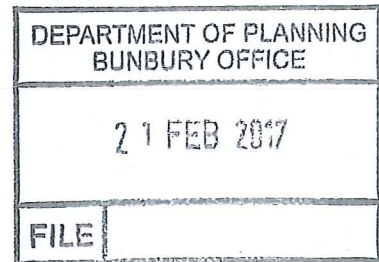
Our Reference: RF8879-02~1, PA012164

Your Reference: Job No. RLS/0661

To: Western Australian Planning Commission

From: Department of Water

Attention: Kath La Nauze



RE: GREATER BUNBURY REGION SCHEME AMENDMENT 0046/57, BUNBURY AIRPORT EXPANSION OFFSET AND RESERVATION ANOMALY.

The Department of Water (DoW) has reviewed the Greater Bunbury Region Scheme Amendment 0046/57, Bunbury Airport Expansion and Reservation Anomaly.

The Department of Water has reviewed the information and determines that the amendment would have a low risk to water resources. At this time, the department has no objection to the scheme amendment 0046-57.

Please feel free to discuss this information further with this office, as required.

Yours faithfully,

Cathie Derrington
Environmental Officer / Integrated Land & Water
South West Region / Department of Water

PH: (08) 9726 4184

Fax: (08) 9726 4100

Email: cathie.derrington@water.wa.gov.au



Government of Western Australia
Department of Water

Disclaimer:

This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water, which accepts no responsibility for the contents. If you are not the addressee, please



Government of Western Australia
Department of Fire & Emergency Services

Submission 2

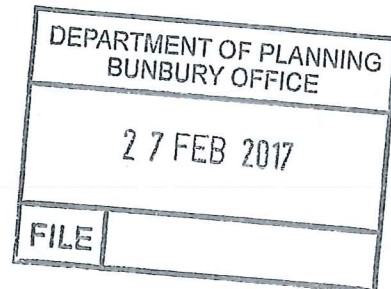


Our Ref: D01348
Your Ref: RLS/0661

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

By E-mail

Attention: Kath La Nauze



Dear Madam

**REFERRAL RESPONSE – GBRs AMENDMENT 0046/57 – BUNBURY AIRPORT
EXPANSION OFFSET AND RESERVATION ANOMALY**

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

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

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

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

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

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

Yours faithfully

DOUG VAN BAVEL
LAND USE PLANNING OFFICER

27 February 2017



Government of Western Australia
Department of Environment Regulation

Submission **3**

Your ref: RLS/0661
Our ref: CEO210/17
Enquiries: Teresa Gepp
Phone: 6467 5383
Email: advice.coordinator@der.wa.gov.au

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
Via email: Bunbury.Planning@planning.wa.gov.au

Attention: Kath La Nauze

Dear Ms Blenkinsop

**GREATER BUNBURY REGION SCHEME AMENDMENT 046/57 – BUNBURY AIRPORT
EXPANSION OFFSET AND RESERVATION ANOMALY**

I refer to the correspondence dated 17 January 2017 inviting comment from the Department of Environment Regulation (DER) on the above proposed Greater Bunbury Region Scheme Amendment.

DER has no comment on the proposed Scheme Amendment.

Yours sincerely

Dan Volaric
ACTING DIRECTOR GENERAL

1 March 2017





Government of Western Australia
Department of Aboriginal Affairs

Submission 4

DEPARTMENT OF PLANNING BUNBURY OFFICE	
17 MAR 2017	
FILE	RLS/0661

ENQUIRIES : Aidan Ash- Ph 6551 8040
OUR REF: 2017/0059-01
YOUR REF: RLS/0661

Ms Kerrine Blenkinsop
Secretary
Western Australian Planning Commission
South West Office
Sixth Floor, Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

Dear Ms Blenkinsop

**GREATER BUNBURY REGION SCHEME AMENDMENT 0046/57 BUNBURY
AIRPORT EXPANSION OFFSET AND RESERVATION ANOMALY**

Thank you for your letter dated 17 January 2017 and the opportunity to provide comment on the proposed amendment to the Greater Bunbury Region Scheme.

The Department of Aboriginal Affairs (DAA) advises there are no reported Aboriginal sites or Aboriginal heritage places within the areas of the proposal, as described in the map attached to your correspondence dated 18 August 2016 depicting areas Regional Open Space and Rural.

The DAA recommends that proponents take into consideration the DAA's Aboriginal Heritage Due Diligence Guidelines when planning specific developments associated with development proposals.

These have been developed to assist proponents to identify any risks to Aboriginal heritage and to mitigate risk where heritage sites may be present. The guidelines are available at: <http://www.daa.wa.gov.au/globalassets/pdf-files/ddg>.

Should the developer require further information about their obligations under the *Aboriginal Heritage Act 1972* they are encouraged to contact the DAA for further information.

4

If you have any further queries, please contact me on (08) 6551 8040 or via email aidan.ash@daa.wa.gov.au.

Yours sincerely



Aidan Ash
TEAM LEADER - HERITAGE

14 March 2017