

November 2017

**Greater Bunbury  
Region Scheme  
Amendment 0049/57  
(Minor Amendment)**



**Lot 2 Prowse Road,  
Capel**

Report on Submissions

Shire of Capel

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**Greater Bunbury Region Scheme  
Amendment 0049/57  
(minor amendment)**

**Lot 2 Prowse Road, Capel**

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**Report on Submissions**

Shire of Capel



November 2017

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GBRS Amendment 0049/57 Report on Submissions  
File RLS/0690

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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.

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# **Greater Bunbury Region Scheme Amendment 0049/57**

## **Lot 2 Prowse Road, Capel**

### **1 Introduction**

The purpose of this amendment proposal is to rezone Lot 2 Prowse Road, Capel from Rural zone to Urban Deferred zone. The proposed Urban Deferred zone and the subsequent Urban zone are consistent with zoning of surrounding land and would be logical rounding-off of the Capel townsite. The proposed urban expansion is consistent with the Shire of Capel Townsite Strategy.

### **2 The proposed amendment**

Lot 2 Prowse Road, Capel is 1.76 hectares in area and is located approximately 1.5 kilometres south of the Capel townsite. The lot is zoned Rural under the Greater Bunbury Region Scheme (GBRS) and is also zoned as such under the Shire of Capel Town Local Planning Scheme No. 7 (LPS 7).

The majority of the lot is cleared except for a number of individual trees surrounding the existing group of buildings (including dwelling) at the northern corner of the lot. The central portion of the lot is low lying and is subject to seasonal water logging. The lot has been used for small scale rural purposes.

Land to the north and east are zoned Urban under the GBRS. The proposed Urban Deferred zone on Lot 2, and the subsequent Urban zone, are consistent with the zoning of the surrounding land and would be logical rounding-off of the Capel townsite.

### **3 Formal Environmental Protection Authority advice**

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

### **4 Call for Submissions**

The proposed amendment was advertised in the Government Gazette on 16 June 2017 and remained open for public submissions until 14 August 2017.

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

- the Perth office of the Western Australian Planning Commission (140 William Street);
- the Department of Planning, Land and Heritage's Bunbury Office (61 Victoria Street, Bunbury);
- the office of the Shire of Capel; and
- the State Library of WA, Perth Cultural Centre, 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 ten submissions had been received.

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

The submissions were from:

- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Fire and Emergency Services (DFES);
- Department of Health;
- Department of Mines, Industry Regulation and Safety;
- Department of Planning, Lands and Heritage (Aboriginal Heritage Directorate);
- Department of Primary Industries and Regional Development;
- Department of Water and Environmental Regulation (DWER);
- Main Roads Western Australia;
- Shire of Capel; and
- Water Corporation.

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 and Determinations**

Water Corporation stated that further investigation needs to be undertaken to determine the provision of water and wastewater services

DWER requests that a Local Water Management Strategy must be completed prior to development.

DFES seeks a Bushfire Hazard Level assessment to inform bushfire risk management measures to ensure that bushfire risk can be managed.

DBCA states that the clearing of native vegetation and potential Western Ringtail Possum habitat is to be avoided where possible. The potential wetland matters should be addressed prior to any proposed future development in consultation with Parks and Wildlife Services. Given the wetland extends to the adjoining lots any proposed drainage management should consider potential impacts to these lots. These drainage issues are required to be addressed prior to the land being rezoned to Urban.

These matters are to be addressed at the time of structure plan being prepared. The Urban Deferred zone will not be lifted until the outstanding issues have been addressed.

## **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.

Upon receiving final approval from the Minister, this GBRS amendment will be Gazetted. At that time LPS 7 will also be amended, by means of the same Gazette notice, and transfer the land from Rural to Urban Development Zone.

## **9 Conclusion and recommendation**

The report summaries the background and reasoning for Amendment 0049/57 to the GBRS and examines the submissions received. The WAPC thanks those who made submissions.

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

## **10 Minister's decision**

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

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

GBRS Amendment 0049/57 is now finalised as advertised as shown on WAPC Amending Plan 3.2698 and has effect in the Greater Bunbury Region Scheme from the date of notice in the Government Gazette on Friday 5 January 2018



## **APPENDIX A**

### **NOTICE OF ENVIRONMENTAL ASSESSMENT**

DEPARTMENT OF PLANNING BUNBURY OFFICE	
12 JUN 2017	
FILE	

Chief Executive Officer  
Western Australian Planning Commission  
South West Office 6th Floor Bunbury Tower  
61 Victoria Street  
**BUNBURY WA 6230**

Your Ref:  
Our Ref: CMS17113  
Enquiries: Stephen Pavey, 6145 0800  
Email: Stephen.Pavey@epa.wa.gov.au

Dear Sir/Madam

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

<b>SCHEME:</b>	<b>Greater Bunbury Region Scheme Amendment 0049-57</b>
<b>LOCATION:</b>	<b>Lot 2, Prowse Road, Capel</b>
<b>RESPONSIBLE AUTHORITY:</b>	<b>Western Australian Planning Commission</b>
<b>DECISION:</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)</b>

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 be 'PS' with a stylized flourish.

Patrick Seares  
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

6 June 2017

## APPENDIX B

### ALPHABETICAL LISTING OF SUBMISSIONS

## Alphabetical Listing of Submissions

**GBRS Amendment 0049/57**

**Lot 2 Prowse Road, Capel**

Submission Number	Name
Late	Biodiversity, Conservation and Attractions, Department of (Parks and Wildlife Service)
Late	Capel, Shire of
6	Fire and Emergency Services, Department of
7	Health, Department of
4	Main Roads WA
5	Mines, Industry Regulation and Safety, Department of
3	Planning, Lands and Heritage, Department of (Aboriginal Heritage Directorate)
Late	Primary Industries and Regional Development, Department of (Agriculture and Food)
2	Water and Environmental Regulation, Department of (Water)
1	Water Corporation

## APPENDIX C

### SUMMARY OF SUBMISSIONS AND DETERMINATIONS

**AMENDMENT 0049/57 TO THE GREATER BUNBURY REGION SCHEME**  
**AT LOT 2 PROWSE ROAD, CAPEL**  
**SUMMARY OF SUBMISSIONS AND DETERMINATIONS**

<b>Submission:</b>	1
<b>Submitted by:</b>	Water Corporation
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	1. Further engineering investigation needs to be undertaken to determine how wastewater services can be extended to this site. The future development could be provided with water services by developer funding water mains extensions from the existing water reticulation networks nearby.
<b>Planning Comment:</b>	The provision of reticulated water is to be addressed at the time of structure planning. The Urban Deferred zone will not be lifted until this matter has been resolved.
<b>Determination:</b>	Submission noted.

---

<b>Submission:</b>	2
<b>Submitted by:</b>	Department of Water and Environmental Regulation (DWER)
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	<ol style="list-style-type: none"><li>1. A Multiple Use wetland covers most of the lot with standing water over approximately half of the lot.</li><li>2. A Local Water Management Strategy must be completed to the satisfaction of DWER and the Shire of Capel.</li></ol>
<b>Planning Comment:</b>	This is to be addressed at the time of structure planning. The Urban Deferred zone will not be lifted until this matter has been resolved.
<b>Determination:</b>	Submission noted.

**Submission:** 3

**Submitted by:** Department of Planning, Lands and Heritage (DPLH) - Aboriginal Heritage Directorate

**Nature of Interest:** Government Agency

**Affected Land:** Lot 2 Prowse Road, Capel

**Summary of Submission:**

1. No reported Aboriginal sites or heritage places within the proposal site.
2. Recommends that developers take into consideration the Aboriginal Heritage Due Diligence Guidelines when planning specific developments.

**Planning Comment:** Noted.

**Determination:** Submission noted.

---

**Submission:** 4

**Submitted by:** Main Roads Western Australia

**Nature of Interest:** Government Agency

**Affected Land:** Lot 2 Prowse Road, Capel

**Summary of Submission:**

1. No objection.

**Planning Comment:** Noted.

**Determination:** Submission noted.

---

**Submission:** 5

**Submitted by:** Department of Mines, Industry Regulation and Safety

**Nature of Interest:** Government Agency

**Affected Land:** Lot 2 Prowse Road, Capel

**Summary of Submission:**

1. 15% of the lot is within 500m of the Strategic Mineral Resource Protection Area for titanium - zircon mineralisation.
2. However the adjoining land closer to the resource has already been rezoned.
3. As such, no objections but will request notifications on any new lots.

**Planning Comment:** Submission noted.

**Determination:** Submission noted.

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<b>Submission:</b>	6
<b>Submitted by:</b>	Department of Fire and Emergency Services (DFES)
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	1. In addition to the Bushfire Attack Level Contour Map and Report that has been prepared by the applicant, DFES seeks a Bushfire Hazard Level assessment to inform bushfire risk management measures to ensure that bushfire risk can be managed.
<b>Planning Comment:</b>	This is to be prepared prior to the preparation of the structure plan. This would determine where development can be located on the lot.
<b>Determination:</b>	Submission noted.
<b>Submission:</b>	7
<b>Submitted by:</b>	Department of Health
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	1. No objection providing all future lots are connected to scheme water and be in accordance with draft Country Sewerage Policy. 2. Approval is required for any on-site waste water treatment process.
<b>Planning Comment:</b>	This is to be addressed at the time of structure planning. The Urban Deferred zone will not be lifted until this matter has been resolved.
<b>Determination:</b>	Submission noted.
<b>Submission:</b>	8 (Late)
<b>Submitted by:</b>	Department of Primary Industries and Regional Development (DPIRD)
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	1. The Agriculture and Food division of the DPIRD does not object to the rezoning as this area has been identified for this purpose in the Shire of Capel Townsite Strategy.
<b>Planning Comment:</b>	Submission noted.
<b>Determination:</b>	Submission noted.

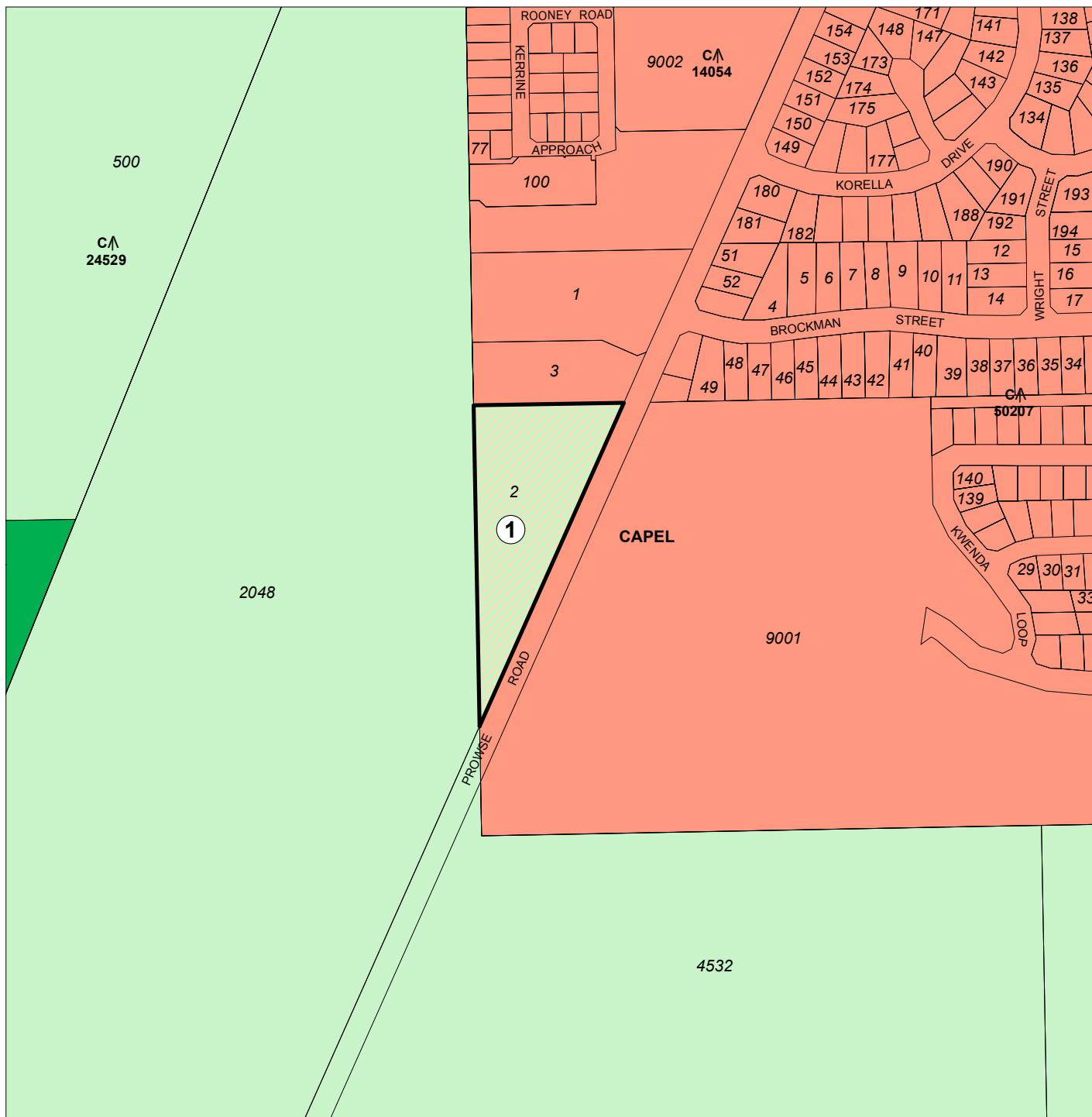
<b>Submission:</b>	9 (Late)
<b>Submitted by:</b>	Department of Biodiversity, Conservation and Attractions
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	<ol style="list-style-type: none"> <li>1. Clearing of native vegetation and potential Western Ringtail Possum habitat to be avoided where possible.</li> <li>2. The potential wetland matters should be addressed prior to any proposed future development in consultation with Parks and Wildlife Services.</li> <li>3. Given the wetland extends to the adjoining lots any proposed drainage management should consider potential impacts to these lots.</li> <li>4. Potential drainage issues are required to be addressed prior to the land being rezoned to Urban.</li> </ol>
<b>Planning Comment:</b>	These matters are to be addressed at the time of structure plan being prepared. The outcome will determine where development can be located on the lot.
<b>Determination:</b>	Submission noted

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<b>Submission:</b>	10 (Late)
<b>Submitted by:</b>	Shire of Capel
<b>Nature of Interest:</b>	Local government
<b>Affected Land:</b>	Lot 2 Prowse Road, Capel
<b>Summary of Submission:</b>	<ol style="list-style-type: none"> <li>1. The Shire supports the land to be rezoned to Urban Deferred zone. Once the potential drainage issue has been satisfactorily addressed, the land can be rezoned to Urban.</li> <li>2. In accordance with Section 126 (3) of the <i>Planning and Development Act 2005</i>, the Shire requests that its Local Planning Scheme No. 7 (LPS No. 7) be amended to transfer the land from Rural to Urban Development Zone at the time that the GBRS amendment is gazetted.</li> </ol>
<b>Planning Comment:</b>	A recommendation will be included in the report for LPS No. 7 to be amended concurrently.
<b>Determination:</b>	Submission noted.

## **APPENDIX D**

### **THE AMENDMENT PROPOSAL AS ADVERTISED**




## Proposed amendment to the Greater Bunbury Region Scheme Lot 2 Prowse Road, Capel




27 April 2017

Proposal 1

Proposed Amendment:

 Urban deferred zone

Existing Region Scheme:

 Regional open space  
 Rural  
 Urban

Oracle reference no: 2924

File number: RS\_FileNo

Version number: 1

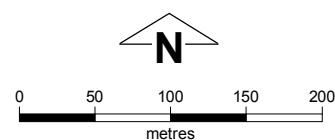


Department of  
Planning



Western  
Australian  
Planning  
Commission

Date: 17/03/2017  
Produced by GeoSpatial Planning Support, Department of Planning, Perth WA  
Base information supplied by Western Australian Land Information Authority LI 862-2016-1



## **APPENDIX E**

### **LIST OF PLANS AS ADVERTISED**

**Lot 2 Prowse Road, Capel**

**Proposed minor amendment**

**Amendment 0049/57**

**as advertised**

**Legal plan**

3.2698

## APPENDIX F

### SUBMISSIONS

Development  
Services

629 Newcastle Street  
Leederville WA 6007

PQ Box 100  
Leederville WA 6902

T (08) 9420 2099  
F (08) 9420 3193



Your Ref: RLS/0703  
Our Ref: JT1 2012 04905 V01 (RPS349095)  
Enquiries: Brett Coombes  
Direct Tel: 9420 3165  
Fax: 9420 3193

**Submission**

22 June 2017

Secretary  
Western Australian Planning Commission  
South West Office  
6<sup>th</sup> floor Bunbury Tower  
61 Victoria Street  
BUNBURY WA 6230

Attention: Veronica Martin

**GBRS Amendment 0049/57 - Lot 2 Prowse Road, Capel**

Thank you for your letter of 16 June 2017 inviting comments from the Water Corporation regarding the above amendment to rezone the subject land from Rural to Urban Deferred zone.

The subject land is currently outside the Water Corporation's *Capel Sewer District*. The Corporation's wastewater infrastructure planning for the town has not made allowance for wastewater flows from the subdivision and development of this land.

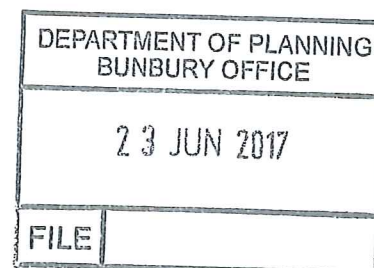
The Corporation will need to undertake further engineering investigations to determine how wastewater services can be extended to this site.

The future development of this land could be provided with water services by the developer funding water mains extensions from the existing water reticulation networks nearby.

If you have any queries or require further clarification on any of the above issues, contact me on Tel. 9420-3165.

A handwritten signature in cursive script that reads "B. Coombes".

Brett Coombes  
Senior Urban Planner  
Development Services





## Cullen, Danny

---

**From:** Martin, Veronica  
**Sent:** Friday, 30 June 2017 11:46 AM  
**To:** 'Brett Coombes'  
**Cc:** Cullen, Danny  
**Subject:** RE: GBRS Amendment Lot 2 Prowse Road, Capel - wastewater planning

Thank you for your email Brett.

Veronica

**Veronica Martin** | Senior Planning Officer | Regional Planning  
Department of Planning | Bunbury Tower, Level 6, 61 Victoria Street | Bunbury WA 6230  
T (08) 9791 0578 | F 9791 0576 | M  
E [Veronica.Martin@planning.wa.gov.au](mailto:Veronica.Martin@planning.wa.gov.au) | W [www.planning.wa.gov.au](http://www.planning.wa.gov.au)



---

**From:** Brett Coombes [<mailto:Brett.Coombes@watercorporation.com.au>]  
**Sent:** Thursday, 29 June 2017 10:13 AM  
**To:** Martin, Veronica  
**Subject:** GBRS Amendment Lot 2 Prowse Road, Capel - wastewater planning

Good morning Veronica.

Further to my previous letter of 22 June 2017 regarding the proposed rezoning of Lot 2 Prowse Rd, Capel. The Water Corporation has since undertaken investigations and I can now confirm that the subject land can be connected to the Capel sewerage network by the developer undertaking extensions off the existing networks via neighbouring subdivisions to the north and east.

The existing wastewater pump station on Hawley Parkway has sufficient capacity to accept additional flows from the future subdivision and development of Lot 2.

If you have any further questions in this regard, please feel free to call me on Tel. 9420-3165.

Regards

**Brett Coombes**  
Senior Urban Planner  
Assets Planning Group  
**Water Corporation**  
T: (08) 9420 3165

Tranter, Michael

**From:** Cathie Derrington <cathie.derrington@dwer.wa.gov.au>  
**Sent:** Thursday, 20 July 2017 9:57 AM  
**To:** Bunbury Planning; Martin, Veronica  
**Subject:** RE: GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57 – LOT 2 PROWSE ROAD, CAPEL

20<sup>th</sup> July 2017

Our Reference: WRD360918, PA014753

Your Reference: RLS/0703

To: Western Australian Planning Commission

From: Department of Water and Environmental Regulation

Attention: Veronica Martin



**RE: GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57 – LOT 2 PROWSE ROAD, CAPEL**

Dear Veronica,

Thank you for referring the above proposed Scheme Amendment to the Department for comment.

This proposal is to rezone the above subject lot from Rural to Urban Deferred Zone to allow for future residential development.

Our GIS shows that a 'Multiple Use' Palusplain wetland covers much of the subject lot, where our imagery shows standing water covering approximately half of the lot area (see attachment).

The subject lot is flat and low lying, and is within a 'moderate to low risk' of acid sulphate soils.

To rezone the land, the referral documentation states the following:-

- "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."

Furthermore the referral documentation states:-

- "the future residential development on Lot 2 is consistent with the Shire of Capel Townsite Strategy which identifies the land for R20 development. The Strategy states that local drainage issues are still to be resolved".

It is noted that a Local Water Management Strategy has been assessed by the Department and comments were provided to the Shire of Capel and WGE consultants on 20<sup>th</sup> April 2017 for Version

1 (April 2017) and 26<sup>th</sup> June 2017 for Version 2 (June 2017) for Lot 2 (43) Prowse Road – LWMS, (2017, WGE consultants).

In light of the above situation and review of the above LWMS, the main risks that require addressing are:-

1. Inundation of the development, noting that the details in the LWMS were insufficient to assess the risk and prove up the management approach as approximately 50% of the site is seasonally inundated with insufficient catchment scale modelling completed to date.
2. No information regarding public open space irrigation demands and sources have been provided, noting the Perth – Yarragadee South and Perth – Leederville Resources are fully allocated. Allocation from the Perth-Superficial Swan is available even though site access may be problematic.

It is assumed that there will be connection to reticulated sewerage.

**Recommendation: Therefore to progress this Scheme Amendment, prior to changing the landuse to Urban Deferred, the LWMS must be completed to the satisfaction of the Department and the Shire of Capel.**

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

Yours faithfully,

Cathie Derrington  
Environmental Officer  
Land Use Planning /CAWS - South West Region

Department of Water and Environmental Regulation  
35-39 McCombe Road, BUNBURY, WA 6230  
PO Box 261, BUNBURY, WA 6231  
T: (08) 9726 4184 | F: (08) 9726 4100 | Ext: 1184  
E: [cathie.derrington@dwer.wa.gov.au](mailto:cathie.derrington@dwer.wa.gov.au) | [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)  
Twitter: [@DWER\\_WA](https://twitter.com/DWER_WA)

#### **Water Resource Advice Only**

The Department of Water has recently merged with the Department of Environment Regulation and Office of the Environmental Protection Authority to create the new agency Department of Water and Environmental Regulation.

The former agencies are in the process of amalgamating their functions. Until this fully occurs, please note that the advice in this correspondence pertains only to water resource matters previously dealt with by the 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 and Environmental Regulation, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.



Submission 3



Department of Planning,  
Lands and Heritage

ENQUIRIES : Aidan Ash- Ph 6551 8040  
OUR REF: 2017/0049  
YOUR REF: RLS/0703



Ms Kerrine Blenkinsop  
Secretary, Western Australian Planning Commission  
Email: [corporate@wapc.wa.gov.au](mailto:corporate@wapc.wa.gov.au)

Dear Ms Blenkinsop

**GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57**

Thank you for your letter dated 16 June 2017 regarding the proposed rezoning of lot 2 Prowse Road, Capel (the Proposal).

The Aboriginal Heritage Directorate (AHD) of the Department of Planning, Lands and Heritage (DPLH) advises there are no reported Aboriginal sites or Aboriginal heritage places within the area of the Proposal.

The AHD recommends that developers undertaking activities within the area of the Proposal take into consideration the DPLH's Aboriginal Heritage Due Diligence Guidelines when planning specific developments associated with the Proposal. These guidelines 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: <https://www.daa.wa.gov.au/heritage/land-use/>.

If you have any queries in regards to this please do not hesitate to contact me on (08) 6551 8040 or via email [aidan.ash@daa.wa.gov.au](mailto:aidan.ash@daa.wa.gov.au).

Yours sincerely

Aidan Ash  
**TEAM LEADER HERITAGE**

20 July 2017

Gonsalves, Laura

## Submission 4

**From:** NAUDE Daniel (RCPM) <Daniel.Naude@mainroads.wa.gov.au>  
**Sent:** Monday, 14 August 2017 10:33 AM  
**To:** Bunbury Planning  
**Subject:** Reply: Greater Bunbury Region Scheme Amendment 0049/57 - Lot 2 Prowse Road, Capel

Dear Veronica,

I refer to the WAPC's request seeking comments regarding the above and wish to advise that Main Roads has no objection to the draft Amendment.

Regards,

**Daniel Naude**

oad Corridor Planning Manager  
Metropolitan and Southern Regions / South West  
p: 08 9724 5724 | m: 0418931078  
w: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



**mainroads**  
WESTERN AUSTRALIA



# Submission 5



Government of Western Australia  
Department of Mines, Industry Regulation and Safety

Your ref RLS/0703  
Our ref A0091/201501  
Enquiries Glennis HALL  
9222 3104  
Glennis.HALL@dmirs.wa.gov.au

Ms Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission  
Sent By Email  
BUNBURY WA 6230



**Attention:** Veronica Martin

Dear Ms Blenkinsop

## **GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57 LOT 2 PROWSE ROAD, CAPEL**

Thank you for your letter of 16 June 2017 seeking comments on the above proposal for rezoning Lot 2 Prowse Road, Capel from Rural to Urban Deferred zone.

The Geological Survey of Western Australia (GSWA) has assessed this proposal on behalf of the Department of Mines, Industry Regulations and Safety (DMIRS) as part of the Strategic Minerals and Basic Raw Materials Resource Policy under the Greater Bunbury Region Scheme.

This rezoning proposal raises some concerns because about 15% of Lot 2 is within 500 m of a Strategic Mineral Resource Protection Area for titanium-zircon mineralization. However, DMIRS notes that adjoining land closer to the resource has already been rezoned. Therefore, we have no objections to the proposal but in future will request notifications on any new lots resulting from this change.

Yours sincerely

**Rick ROGERSON** | Executive Director  
Geological Survey

14 August 2017





Government of Western Australia  
Department of Fire & Emergency Services



Our Ref: D02487  
Your Ref: RLS/0703

WA Planning Commission  
6<sup>th</sup> Floor, Bunbury Tower  
61 Victoria Street  
BUNBURY WA 6230

By E-mail

Attention: Veronica Martin

Dear Madam

**RE: PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57  
(MINOR AMENDMENT) – LOT 2 PROWSE ROAD, CAPEL**

I refer to an email received by the Department of Fire and Emergency Services (DFES) on 20 June 2017, regarding the above proposed Scheme Amendment.

DFES provide the following comments with regard to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines).

Higher level consideration of bushfire risk is one of the most effective means of preventing inappropriate development in bushfire prone areas. The omission of a bushfire risk assessment at this level may result in an increased threat of bushfire to people, property and infrastructure.

Given the amendment and subsequent zoning provides a strong indication that the land is physically and locationally suitable for urban purposes, it is vital an assessment of any bushfire hazard issues arising from the proposal is undertaken, including those that have not been previously tested by SPP 3.7.

**Assessment**

It is critical that the planning framework connects the spatial understanding of bushfire threat with strategic decisions about intensification of land use to reduce the vulnerability of people, property and infrastructure to the threat of bushfire. An understanding of the bushfire hazard provides for the identification of opportunities and constraints for the areas proposed for land use intensification. These areas can then be evaluated against each element of the bushfire protection criteria, to highlight the locations where it is unlikely that compliance to the criteria can be achieved.

At this strategic level, it is acknowledged that bushfire management is likely to be only one consideration of the decision maker in determining the suitability of the land for proposed intensification. However, this emphasises the need for an understanding of what the bushfire risks are, so an informed decision can be made as to the suitability of areas for expansion or intensification of land use.

## 1. Policy Measure 6.1

The amendment proposal has been assessed against policy measure 6.1 of SPP 3.7 – higher order strategic planning documents in bushfire prone areas. Policy measure 6.1 states that relevant bushfire hazards should be given high level consideration when identifying or investigating land for future development. As you may be aware the subject area is bushfire prone, and much of it presents a moderate to extreme bushfire risk.

## 2. Bushfire Hazard Level (BHL) assessment

- i. A BHL assessment provides a 'broad brush' means of determining the potential intensity of a bushfire for an area. This assessment assists in determining the suitability of land contained within strategic planning proposals for future subdivision and development. It is a pre-development tool used to inform decision making at subsequent planning stages to ensure a holistic understanding of the bushfire risk.
- ii. A BHL assessment should be prepared for all areas identified for land use intensification and are designated as bushfire prone within the amendment proposal, including those areas that have not been previously tested by SPP 3.7 and are yet to be developed. This assessment can be a stand-alone document that informs the amendment, or can form part of the document itself.
- iii. Appendix Two of the Guidelines outlines the methodology for undertaking a BHL assessment.
- iv. Required outcomes of the assessment are to:
  - identify areas of low or moderate BHL that are most suitable for land use intensification;
  - improve bushfire risk and develop strategies for existing areas of extreme BHL;
  - identify vegetated areas with high conservation values, including nature or conservation reserves where clearing would not be supported;
  - evaluate the appropriateness of areas identified for intensification of land use;
  - identify improvements required to the broader road network to ensure that vehicular access and egress is available and safe during a bushfire event;

## 3. Opportunities and Constraints Assessment

- i. An opportunities/constraints assessment should address issues related to the bushfire protection criteria that have arisen following the BHL assessment, including:

Protection criteria	Key considerations
Element 1: Location	<ul style="list-style-type: none"><li>○ Consider the landscape context of the proposal, including the type and extent of vegetation, topography (particularly land with slopes of &gt;10 degrees), areas of possible fire-runs and evacuation options.</li><li>○ Identify areas which represent an extreme bushfire risk that cannot be managed and should not be supported for development.</li></ul>



	<ul style="list-style-type: none"> <li>o Areas most suitable for land use intensification are where the bushfire hazard is low or moderate.</li> <li>o Identify conservation areas including TEC, heritage sites, Bush Forever, nature reserves or national parks that may constrain a location.</li> <li>o Identify areas that would require clearing to achieve an appropriate BAL rating.</li> <li>o Identify vulnerable and high risk land uses, and critical infrastructure.</li> </ul>
Element 2: Siting and design	<ul style="list-style-type: none"> <li>o Apply appropriate density codes (or lot sizes) large enough to accommodate Asset Protection Zones (APZs) if required.</li> <li>o Identify interfaces between development and bushfire prone vegetation which may require increased setbacks to achieve an appropriate BAL rating (in accordance with AS3959).</li> </ul>
Element 3: Vehicular access	<ul style="list-style-type: none"> <li>o Consider the wider road network and identify any limitations to the provision of multiple access routes both at the local and district levels.</li> <li>o Identify vehicular access routes that provide safe access and egress to two different destinations.</li> <li>o Identify opportunities to improve access and egress for existing development including incorporating emergency access ways and fire service access routes where no alternative exists.</li> </ul>
Element 4: Water	<ul style="list-style-type: none"> <li>o In reticulated areas, highlight locations of hydrants and existing water infrastructure.</li> <li>o In non-reticulated areas, it will be necessary to demonstrate the availability of alternative water supplies for firefighting purposes.</li> </ul>

#### **Recommendation – Insufficient Information**

DFES advice is to seek a Bushfire Hazard Level assessment to inform bushfire risk management measures, for the subject area to ensure that bushfire risk can be managed to avoid any increase in the threat of bushfire to people, property and infrastructure. The assessment should demonstrate to the fullest extent possible how compliance with the bushfire protection criteria can be achieved.

Should you require further information please contact me on telephone number 9780 1900.

Yours faithfully



**DOUG VAN BAVEL**  
**LAND USE PLANNING OFFICER**

17 August 2017



Your Ref: RLS/0704  
Our Ref: F-AA-00537/16 D-AA-17/39361  
Enquiries: Vic Andrich 9388 4999

Ms Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission  
South West Office  
6<sup>th</sup> Floor Bunbury Tower  
61 Victoria Street  
BUNBURY WA 6230

Attention: Ben Muller

Dear Ms Blenkinsop

**GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57 – LOT 2  
PROWSE ROAD, CAPEL**

Thank you for your letter of 16 June 2017 requesting comment from the Department of Health (DOH) on the above proposal.

The DOH has no objection to the proposed amendment providing all future developments are required to connect to scheme water and be in accordance with the draft *Country Sewerage Policy*.

Approval is required for any on-site waste water treatment process (by DOH or local government) with such proposals being in accordance with DOH publications which may be referenced and downloaded from:

[http://ww2.health.wa.gov.au/Articles/N\\_R/Recycled-water](http://ww2.health.wa.gov.au/Articles/N_R/Recycled-water)

[http://ww2.health.wa.gov.au/Articles/U\\_Z/Water-legislations-and-guidelines](http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines)

[http://ww2.health.wa.gov.au/Articles/S\\_T/Subdivisions-and-town-planning-approvals](http://ww2.health.wa.gov.au/Articles/S_T/Subdivisions-and-town-planning-approvals)

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

Yours sincerely

Jim Dodds  
**EXECUTIVE DIRECTOR  
ENVIRONMENTAL HEALTH DIRECTORATE**

16 August 2017



Department of  
Primary Industries and  
Regional Development

late 8

## Late Submission

Your reference: RLS/0703  
Our reference: LUP 231  
Enquiries: Leon van Wyk

Secretary  
Western Australian Planning Commission  
Level 6, 61 Victoria Street  
Bunbury WA 6230  
[Bunbury.Planning@planning.wa.gov.au](mailto:Bunbury.Planning@planning.wa.gov.au)

### COMMENT: GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57 – REZONING LOT 2 PROWSE ROAD, CAPEL

Dear Kerrine

Thank you for the opportunity to comment on the rezoning of Lot 2 Prowse Road, Capel from 'Rural' to 'Urban Deferred'.

The Agriculture and Food division of the Department of Primary Industries and Regional Development (DPIRD) does not object to the rezoning of the abovementioned lot as this area has been previously identified for this purpose in the Shire of Capel Townsite Strategy.

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

Yours sincerely

Neil Guise  
Regional Director  
Southern Region

Date: 11 September 2017



E-MAILED  
11/9/17

**Agriculture and Food**  
Verschuer Place, Bunbury, Western Australia 6230  
Postal address: PO Box 1231, Bunbury WA 6230  
Telephone: (08) 9780 6100 [enquiries@agric.wa.gov.au](mailto:enquiries@agric.wa.gov.au)  
[dpiird.wa.gov.au](http://dpiird.wa.gov.au)

ABN: 18 951 343 745





Department of Biodiversity,  
Conservation and Attractions



PARKS AND  
WILDLIFE  
SERVICE

## Late Submission

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

ATTENTION: Veronica Martin

Your ref: RLS/0703  
Our ref: PRS 41258 2016/002231  
Enquiries: Tracy Teede  
Phone: 08 9725 4300  
Email: swlanduseplanning@dbca.wa.gov.au

### GREATER BUNBURY REGION SCHEME AMENDMENT 0049/57- LOT 2 PROWSE ROAD CAPEL

I refer to your letter dated 16 June 2017 inviting comment on the rezoning of Lot 2 Prowse Road Capel from Rural to Urban Deferred, from the Department of Parks and Wildlife (Parks and Wildlife).

On 1 July 2017 Parks and Wildlife merged with the Botanic Gardens and Parks Authority, Zoological Parks Authority and Rottnest Island Authority to form the Department of Biodiversity Conservation and Attractions (DBCA). Parks and Wildlife has now become a service in DBCA, and any further correspondence will be provided under the banner of the new Department.

DBCA Parks and Wildlife Service South West Region provides the following comments on the proposal.

#### Biodiversity values

WRP are listed as threatened species under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and Western Australia's *Wildlife Conservation Act 1950*. Major threats to WRP include habitat loss

The Western Australian State government lists WRP as being a Schedule 1 (*Specially Protected Fauna*) critically endangered mammal. Schedule 1 (*Specially Protected Fauna*) animals are fauna that are rare or likely to become extinct.

The Federal government is currently reassessing the WRP conservation status under the EPBC Act, to align with the State government's critically endangered listing.

Lot 2 is located within a "Supporting Habitat" area as mapped by the EPBC Act policy statement 3.10 "Significant impact guidelines for the vulnerable western ringtail possum" (see attached).

Lot 2 contains a Multiple Use wetland (MUW) within the southern portion of the site. The MUW extends to the west, into the adjoining Lot 8.

#### Comments

Parks and Wildlife's preference is for clearing of native vegetation and potential WRP habitat to be avoided where possible.

The application states that the lot is subject to a high water table and potential drainage issues, and that the potential drainage issues are required to be addressed prior to the land being rezoned to Urban.

DEPARTMENT OF PLANNING, LANDS AND HERITAGE BUNBURY OFFICE
15 SEP 2017
FILE

South West Region  
PO Box 1693, Bunbury, Western Australia 6230  
Phone: (08) 9725 4300 Email: bunbury@dbca.wa.gov.au  
dbca.wa.gov.au

The potential Lot 2 wetland issues should be addressed prior to any proposed future development, in consultation with Parks and Wildlife Service.

Given the wetland extends into the adjoining Lot 8 any proposed drainage management should consider potential impacts to the adjoining lot.

Thank you for providing the opportunity to comment on this proposal. Please contact Peter Hanly at the Parks and Wildlife Service South West Region office if you have any queries regarding this advice.

Yours sincerely



For

Regional Manager  
Parks and Wildlife Service

15 September 2017

Att.

# LATE Submission

Martin, Veronica

---

**From:** Karen Henry <Karen.Henry@capel.wa.gov.au>  
**Sent:** Friday, 29 September 2017 2:01 PM  
**To:** Martin, Veronica  
**Subject:** GBRS amendment at Lot 2 Prowse Road, Capel

Hi Veronica,

I refer to GBRS Amendment Report Lot 2 Prowse Road, Capel.

The Shire of Capel supports the recommendation that the land be rezoned to Urban Deferred. Once the outstanding matter of the potential drainage issue has been satisfactorily addressed the Urban Deferred zone can be lifted to Urban Zone.

The Shire is currently working with Harley Dykstra to advertise a Structure Plan for the subject lot.

Kind regards

**Karen Henry**  
**Senior Planner**

***"A community of diverse lifestyle experiences accommodating progressive growth, sharing in prosperity, and valuing the unique environment"***

PO Box 369, Capel WA 6271  
P 08 9727 0222 F 08 9727 0223  
[www.capel.wa.gov.au](http://www.capel.wa.gov.au)

**SHIRE OF CAPEL DEVELOPMENT CONTRIBUTION PLAN  
AND TOWN PLANNING SCHEME NO. 7  
AMENDMENT NO. 65**

THE SHIRE IS SEEKING PUBLIC COMMENT FROM THE COMMUNITY, LANDOWNERS AND A RANGE OF GOVERNMENT AGENCIES ON A DEVELOPMENT CONTRIBUTION PLAN (DCP) AND SCHEME AMENDMENT NO. 65, WHICH ARE BEING ADVERTISED FOR 60 DAYS.

PLANS AND DOCUMENTS SETTING OUT AND EXPLAINING THE SCHEME AMENDMENT AND DEVELOPMENT CONTRIBUTION PLAN HAVE BEEN DEPOSITED AT THE SHIRE ADMINISTRATIVE OFFICE IN FORREST ROAD CAPEL, DALYELLUP LIBRARY, CAPEL LIBRARY, BOYANUP LIBRARY AND ON THE SHIRE WEBSITE.