

March 2010

Greater Bunbury Region Scheme Amendment 0004/41



Capel East

Report on Submissions
and
Submissions

Shire of Capel

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

Report on Submissions & Submissions

Shire of Capel



March 2010

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disability services co-ordinator.

Introduction to Greater Bunbury Region Scheme major amendments

The Greater Bunbury Region Scheme (GBRS) sets out the broad pattern of land use for the whole Greater Bunbury region.

The Western Australian Planning Commission (WAPC) is responsible for keeping the GBRS under review and initiating changes to best reflect regional planning and development needs where they are seen as necessary.

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 substantial amendment, often referred to as a major amendment (made under section 41 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 and to the Governor for approval. Both Houses of Parliament must then scrutinise the amendment before it can take legal effect.

In the process of making a 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. Should it require formal assessment, an environmental review is 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.

Transcript of hearings

A person who has made a written submission may also choose to appear before a hearings committee to express their views. Should a hearing be required, the hearings proceedings are recorded and transcribed, and the transcripts of any public hearings are reproduced in this volume.

REPORT ON SUBMISSIONS

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Submissions

AMENDMENT 0004/41 TO THE GREATER BUNBURY REGION SCHEME CAPEL EAST

REPORT ON SUBMISSIONS

1. INTRODUCTION

At its meeting on 20 February 2009 the Western Australian Planning Committee (WAPC) resolved to proceed with Amendment 0004/41 to the Greater Bunbury Region Scheme (GBRS) in accordance with the provisions of Section 41 of the *Planning and Development Act 2005*.

2. THE PROPOSED AMENDMENT

Purpose

The purpose of the amendment is to transfer Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel from Rural zone to Urban Deferred zone to facilitate future residential development.

Background

Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel are located approximately 1.5km south-east of the existing Capel townsite and comprise a total land area of approximately 54.7ha.

The Shire of Capel has resolved to initiate Amendment No. 38 to Town Planning Scheme No. 7 (TPS 7) to rezone the subject land from Rural zone to Urban Development zone. This amendment will progress concurrently with the amendment to the GBRS, however the requirements of the *Planning and Development Act 2005* prevents the Minister for Planning from approving an amendment to a local planning scheme that is inconsistent with a region scheme. As such, the amendment to the GBRS is required to be gazetted first prior to the gazettal of Amendment No. 38 to TPS 7.

The Environmental Protection Authority (EPA) reviewed the proposed amendment and set the level of assessment as "Scheme Amendment Not Assessed".

Discussion

It is estimated that the population of the Greater Bunbury area will exceed 100,000 by 2031. This increase in population will result in a proportionate increase in the demand for affordable housing and consequently, the subject land has been identified in the Capel Townsite Strategy for future urban development. Amendment No. 38 to TPS 7 has been initiated to allow for this

future development and the proposed Urban Deferred area would meet the needs of this demand.

An amendment to the GBRS is required to facilitate the expansion of the Capel townsite as the land subject of this amendment is currently zoned Rural and the future urban use would be inconsistent with the purpose of the Rural zoning.

3. ENVIRONMENTAL PROTECTION AUTHORITY ADVICE

The proposed amendment was referred to the EPA for advice as to whether environmental assessment would be required.

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

4. CALL FOR SUBMISSIONS

The proposed amendment was advertised in the Government Gazette and remained open for public submissions from 16 October 2009 to 15 December 2010 for a period of 90 days.

The proposed amendment was made available for public inspection during ordinary business hours at:

- i) Department of Planning, 469 Wellington Street, Perth.
- ii) Department of Planning, 61 Victoria Street, Bunbury.
- iii) the municipal offices of the City of Bunbury, Shires of Capel, Dardanup and Harvey.
- iv) State Reference Library, Northbridge.

During the public inspection period, notice of the amendment was published in *The West Australian* and *The Sunday Times* newspapers and relevant local newspapers circulating in the locality of the amendment.

All of the owners of land, the subject of and surrounding the proposed amendment, were forwarded a copy of the amendment report and advised of the opportunity and procedure for making submissions.

5. SUBMISSIONS

Fourteen submissions on the amendment were received. An alphabetical index of all the persons and organisations that lodged submissions is at Schedule 1.

Thirteen submissions supported or had no objections to the amendment and one submission objected to the amendment.

A summary of each submission with WAPC comments and determinations is at Schedule 2. A complete copy of all written submissions is also contained in this publication.

6. MAIN ISSUES RAISED IN SUBMISSIONS

Thirteen submissions received were from government agencies or infrastructure providers with one submission being from landowners of a lot near the subject land. Submissions of no objection or comment on the proposal were received from:

- Telstra (Submission 1);
- the Public Transport Authority (Submission 2);
- Western Power (Submission 3);
- the Department of Indigenous Affairs (Submission 4);
- the Department of Environment and Conservation (Submission 5);
- Main Roads Western Australia (Submission 6);
- the Department of Education (Submission 7);
- Fire and Emergency Services Authority - Unexploded Ordnance Services (Submission 8);
- the Shire of Capel (Submission 9);
- Water Corporation (Submission 10);
- the Department of Agriculture and Food (Submission 11);
- the Department of Mines and Petroleum (Submission 13); and
- the Department of Water (Submission 14).

The one submission of objection was from the landowners of a lot in the vicinity of the subject land (Submission 12).

Response

These comments have been noted and can be considered when more detailed planning processes are undertaken, at the time of structure planning, subdivision and/or development application.

7. HEARINGS

The *Planning and Development Act 2005* provides that where a submission contains an objection to an amendment, the WAPC is required to offer the person making the submission the opportunity of being heard by a committee formed by the WAPC for that purpose. However, in this case no hearings were requested and as such were not required.

8. DETERMINATIONS

The determinations on the individual submissions are contained in Schedule 2.

9. CONCLUSION AND RECOMMENDATION

This report summarises the history and background to Amendment No. 0004/41 and examines the various submissions made. The WAPC thanks all those who made submissions.

After considering the submissions, the WAPC is satisfied that the amendment as shown generally on Figure 1 (Schedule 1) and in detail on GBRS Amendment Plan No. 3.2330 should be approved and finalised.

Having regard to the above, the WAPC recommends that the Minister for Planning present the amendment to His Excellency the Governor for his consideration and approval and subsequently commend the amendment to both Houses of Parliament.

SCHEDULE 1

ALPHABETICAL LISTING OF SUBMISSIONS

Alphabetical Listing of Submissions

GBRS Amendment 0004/41

Capel East

Submission Number	Name
11	Agriculture and Food, Department of
9	Capel, Shire of
7	Education, Department of
5	Environment and Conservation, Department of
8	FESA UXO
4	Indigenous Affairs, Department of
6	Main Roads Western Australia
12	McDowell, B & D
13	Mines and Petroleum, Department of
2	Public Transport Authority
1	Telstra
10	Water Corporation
14	Water, Department of
3	Western Power

SCHEDULE 2

SUMMARY OF SUBMISSIONS AND DETERMINATIONS

**AMENDMENT 0004/41 TO THE GREATER BUNBURY REGION SCHEME
CAPEL EAST**

SUMMARY OF SUBMISSIONS AND DETERMINATIONS

Submission: 1

Submitted by: Telstra

Nature of Interest: Service Provider

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road
and Jamieson Road, Capel

Summary of Submission: Support

1. It is too difficult to broadly comment at this stage due to a lack of specific information. Each proposal would need an individual assessment when details become available.

Planning Comment:

1. Noted.

Determination:

Submission noted

Submission: 2

Submitted by: Public Transport Authority

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road
and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal.

Planning Comment:

1. Noted.

Determination:

Submission noted.

Submission: 3

Submitted by: Western Power

Nature of Interest: Service Provider

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal.
2. Western Power infrastructure exists within the subject area which may affect any proposed land sharing arrangement within the land.

Planning Comment:

1. Noted, matter should be addressed by Western Power at the structure plan or subdivision stage.

Determination:

Submission noted.

Submission: 4

Submitted by: Department of Indigenous Affairs (DIA)

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal subject to the Aboriginal Heritage issues relating to the subject land being properly addressed.

Planning Comment:

1. Noted, matter should be addressed by DIA at the structure plan, subdivision or development stage.

Determination:

Submission noted

Submission: 5

Submitted by: Department of Environment and Conservation (DEC)

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: Support

1. No objection in principle, however there is not sufficient information available at this stage to provide comments on likely environmental impacts resulting from the proposal.
2. The remnant vegetation on the subject sites are vegetation complexes with less than 30% of the pre-European extent remaining and therefore should be protected.
3. Western Ringtail Possum (WRP) Survey should be undertaken to determine the likely presence of the WRP and impacts.
4. Development to be in accordance with the EPA guidelines '*Separation Distances between Industrial and Sensitive Land Uses*' in order to protect the proposed sensitive landuses from the existing milk processing site and mineral sands dry processing site in the vicinity.

Planning Comment:

1. Note. These issues are to be addressed by DEC as part of the structure plan stage.

Determination:

Submission noted.

Submission: 6

Submitted by: Main Roads Western Australia

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel
Summary of Submission: No objection

1. No comments to the proposal

Planning Comment:

1. Noted.

Determination:

Submission noted

Submission: 7

Submitted by: Department of Education

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal
2. The potential student yield from the proposed residential lots can be accommodated at the Capel Primary School.

Planning Comment:

1. Noted.

Determination:

Submission noted

Submission: 8

Submitted by: Fire and Emergency Services Authority - Unexploded Ordnance Services

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal

Planning Comment:

1. Noted.

Determination:

Submission noted

Submission: 9

Submitted by: Shire of Capel

Nature of Interest: Local Government

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: Supported

1. Proposal supported.
2. The Shire also supports the proposal to include the area identified as 'Multiple Use - Drainage and/or Ecological Corridor/Foreshore Protection' in the Capel Townsite Structure Plan in the amendment.

Planning Comment:

1. Noted.

Determination:

Submission noted.

Submission: 10

Submitted by: Water Corporation

Nature of Interest: Service Provider

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection

1. No objection to the proposal
2. Recommends that all planning for an expanded urban area in Capel be focused strongly on sustainable water services throughout the water cycle.

Planning Comment:

1. Noted.
2. Matter should be addressed by Water Corporation at the structure plan or subdivision stage.

Determination:

Submission noted.

Submission: 11

Submitted by: Department of Agriculture and Food WA (DAFWA)

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: Supports

1. No objection to the proposal
2. Appropriate buffers must be incorporated into the rezoned area to minimise the possibility of landuse conflict.
3. Drainage to avoid water-logging is to be implemented to ensure that the water does not have a negative impact on the adjoining agricultural land.

Planning Comment:

1. Noted.
2. Matter should be addressed by DAFWA at the structure plan or subdivision stage.

Determination:

Submission noted.

Submission: 12

Submitted by: Barbara and Douglas McDowell

Nature of Interest: Land owners of Lot 73 (No. 63) Jamieson Road, Capel

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: Objects

1. Objects to the proposal
2. The rezoning and development would impact on the lifestyle of the landowners due to increased traffic, noise, dust, human activity, reduced visual pleasure and a threat to local native fauna.
3. Flooding issues are inadequately prepared for and pose serious risk to existing properties. The current drains are poorly maintained and would not cope with flooding.
4. Although the landowners object to the rezoning, in the event that this amendment is approved future development is to be restricted to a minimum lot size of 4,000m² in consistent with the existing properties.

Planning Comment:

1. It is unknown at this stage what the density of the future residential area would be. This would be determined at the time of structure planning.

Determination:

Submission dismissed.

Submission: 13

Submitted by: Department of Mines and Petroleum

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection.

1. No objection to the proposal.

Planning Comment:

1. Noted.

Determination:

Submission noted.

Submission: 14

Submitted by: Department of Water

Nature of Interest: Government Agency

Affected Land: Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamieson Road, Capel

Summary of Submission: No objection.

1. No objection to the proposal
2. Recommends that a District Level Water Management Strategy should be prepared prior to the Urban Deferred zone being lifted off the land. This Strategy will identify the suitability of the land for urban development, identify environmental constraints that may impact on development and assist the Shire to achieve integration to its local drainage system.

Planning Comment:

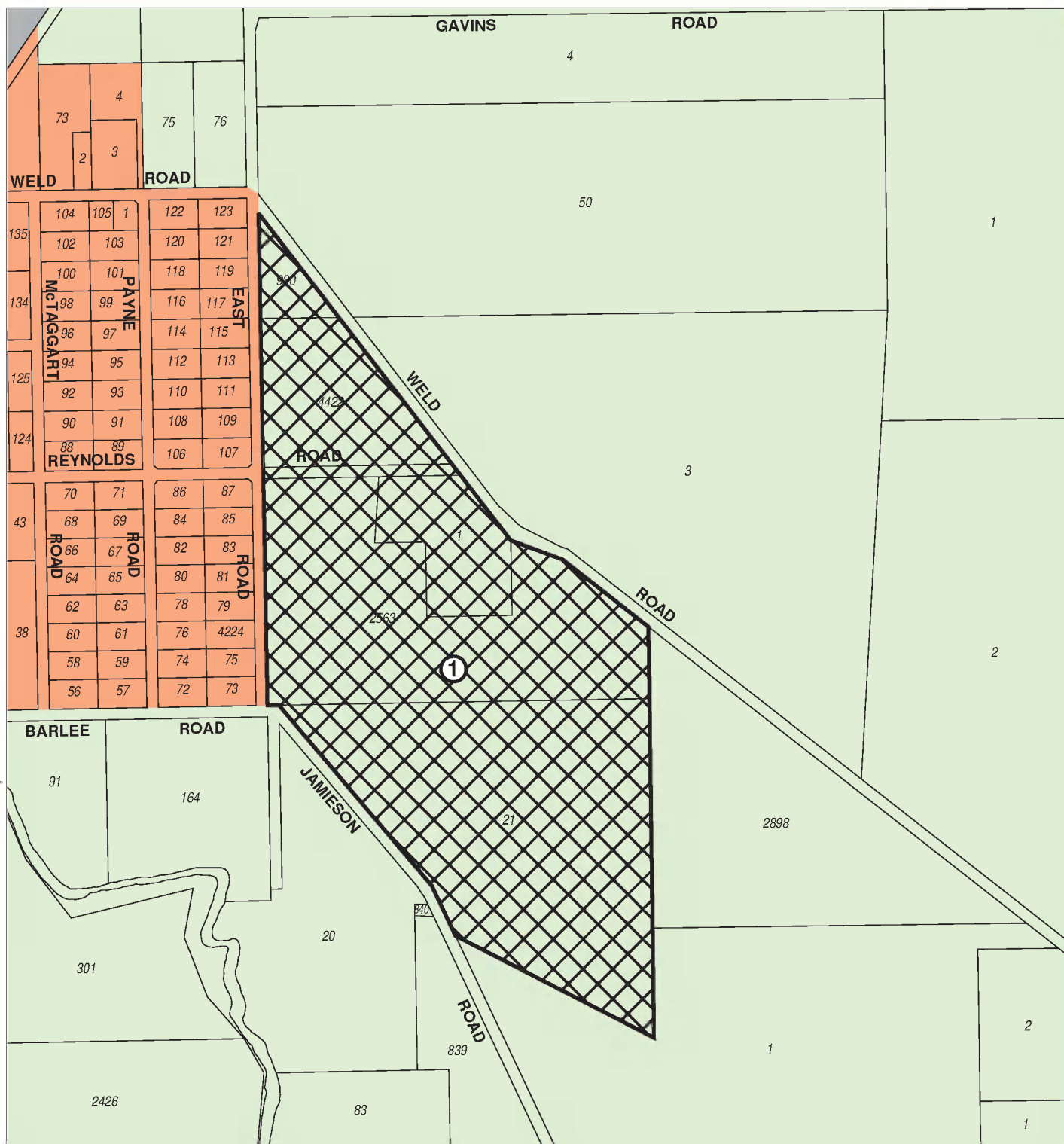
1. Amendment No. 38 to Town Planning Scheme No. 7 (TPS 7) has been initiated to rezone the land to Urban Development zone. This is an interim zone whereby comprehensive planning, by means of an Outline Development Plan (ODP), is required prior to the land being developed for urban purposes. Further assessment will be undertaken during the stages of amendment to TPS 7, ODP and subdivision to address the relevant matters prior to urban development occurring.

Determination:

Submission dismissed.

SCHEDULE 3

THE AMENDMENT FIGURE AS ADVERTISED



Capel Townsite Expansion East - proposed amendment 0004/41 Lots 930, 1, 4422, 21, & 2563 Weld and Jamieson Roads, Capel

27 May 2009

Figure 1

Proposed:



urban deferred zone

Legend

Existing:



rural zone



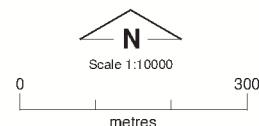
residential zone



railway reservation



jameison rd capel amd_proposal.dgn
 28 May 2009
 Produced by Cartographic Section, Department for Planning and Infrastructure
 On behalf of the Western Australian Planning Commission, Perth WA
 Base information supplied by Western Australian Land Information Authority GL248-2007-2



APPENDIX 1

LIST OF DETAIL PLANS AS ADVERTISED

Capel East
Proposed major amendment
Amendment 0004/41
as advertised
3.2330

Detail plans

N/A

SUBMISSIONS

Submission 1

Cullen, Danny

From: Dolby, David on behalf of corporate
Sent: Tuesday, 27 October 2009 7:15 AM
To: Cullen, Danny
Subject: FW: GBRs - amendment 0004/41 & 0006/41 Capel Townsite

From: Nuttall, Paul [mailto:Paul.Nuttall@team.telstra.com]
Sent: Monday, 26 October 2009 11:03 AM
To: corporate
Subject: GBRs - amendment 0004/41 & 0006/41 Capel Townsite

Attention Veronica Lwin

GBRs - amendment 0004/41 & 0006/41 Capel Townsite - 809-6-7-2 & 809-6-7-3

In regard to the proposed urban deferment in the Capel Townsite

Due to the large number of variables in providing telecommunications, rezoning of land for new settlements is too difficult to broadly comment without specific information. Each proposal will need an individual assessment when details become available, such as lot yields and land uses (i.e. shops & schools).

The Telstra network doesn't currently have the capacity or capability for expansion to new settlements without augmentation; this will be assessed and costed on a case by case basis.

Please note that with the Federal government announcement on NBN, it is difficult for Telstra to make any future commitments for provision of subdivision infrastructure as it is unclear as to who will be the preferred service provider and what the appropriate technology deployment will be. We can provide you with some guidance assuming assessment of the development based on our current guidelines but this must be taken in context as "information only" and is not in any way a commitment by Telstra to provide infrastructure to an area.

regards

Paul Nuttall BA (Urb & Reg Planning)

Strategic Forecaster
Forecasting & Area Planning - Western
Integrated Network Planning
Postal: Locked Bag 2525
Perth WA 6001
Phone: 08 9491 6255
Fax: 08 9221 5730
E-Mail: paul.nuttall@team.telstra.com

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28/10/2009

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

10	0A1342360
DEPARTMENT OF PLANNING BUNBURY OFFICE	
28 OCT 2009	
FILE	RLS/0037

Submission

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

DC

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 2

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

Name *Public Transport Authority - Shelley Brindal Land Officer*
(PLEASE PRINT CLEARLY)
Address *PTC West Parade, East Perth* Postcode *6065*
Contact phone number *9326 2510* Email address *shelley.brindal@pta.wa.gov.au*

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

The PTA has no objections.

B Brindal
Shelley Brindal
Land Officer
Track & Structures

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular Appendix II.

Please choose one of the following:

☒ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

The 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.

All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions.

To be signed by person(s) making the submission

Signature  Date 26/10/9

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 15 January 2010. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9791 0577; Fax - (08) 9791 0576; Email - corporate@planning.wa.gov.au; Website - <http://www.planning.wa.gov.au>

Submission 3

Lwin, Veronica

From: Dolby, David on behalf of corporate
Sent: Friday, 30 October 2009 1:15 PM
To: Lwin, Veronica
Subject: FW: Veronica Lwin - Ref 809-6-7-2 - Proposed Greater Bunbury Region Scheme Amendments for 0004/41 - Rural to Urban Deferred - Lots 930, 4422, 1, 2563 & 21 Weld and Jamieson Roads, Capel

From: Lynn Walker [mailto:lynn.walker@westernpower.com.au]

Sent: Friday, 30 October 2009 1:13 PM

To: corporate

Subject: Veronica Lwin - Ref 809-6-7-2 - Proposed Greater Bunbury Region Scheme Amendments for 0004/41 - Rural to Urban Deferred - Lots 930, 4422, 1, 2563 & 21 Weld and Jamieson Roads, Capel



Locked Bag 2520, Perth WA 6001 | T: 13 10 87 | F: (08) 9225 2073 | E: works.admin.general@westernpower.com.au

To:	Veronica Lwin	From:	Lynn Walker
Organisation:	WAPC	Section:	Connections
Email / Fax:	corporate@planning.wa.gov.au		
Your Ref:	809-6-7-2		
Date:	30/10/2009		

ID	eA1343033
DEPARTMENT OF PLANNING BUNBURY OFFICE	
30 OCT 2009	
FILE	RLS/0037

**Re: Proposed Greater Bunbury Region Scheme Amendments for 0004/41 - Rural to Urban Deferred
 - Lots 930, 4422, 1, 2563 & 21 Weld and Jamieson Roads, Capel**

Dear Veronica,

Western Power wishes to advise the following in respect to the above mentioned proposal.

1. To the best of my knowledge, there are no objections to the changes you propose to carry out for the above-mentioned project.
2. Please note, that there is Western Power Infrastructure in the area of the above scheme, that may affect any proposed land sharing arrangement (ie Subdivision, Amalgamation, etc) in regards to the above properties.

Please note:

- A) Perth One Call Service (Freecall 1100 or visit dialbeforeyoudig.com.au) must be contacted and location details (of Western Power underground cabling) obtained prior to any excavation commencing.
- B) Work Safe requirements must also be observed when excavation work is being undertaken in the vicinity of any Western Power assets.

Western Power is obliged to point out that any change to the existing(power) system, if required, is the responsibility of the individual developer.

Regards,
 Lynn Walker
 Network Services Officer
 Western Power - 363 Wellington Street Perth WA 6000 [\[map\]](#)

30/10/2009



Government of Western Australia
Department of Indigenous Affairs



Southern Regional Office

ENQUIRIES: Harley Coyne

OUR REF: S1002

YOUR REF: 809-6-7-2 & 809-6-7-3

RLS/0037 + RLS/0038

Submission 4

Tony Evans
Secretary
West Australian Planning Commission
6th Floor Bunbury Tower
61 Victoria Street
Bunbury WA 6230

ID	CA 1344150
DEPARTMENT OF PLANNING BUNBURY OFFICE	
5 NOV 2009	
FILE	RLS/0037

DC

Dear Tony

**RE: REQUEST FOR COMMENT ON PROPOSED GREATER BUNBURY REGION
SCHEME AMMENDMENTS:**

**0004/41 – CAPEL – RURAL TO URBAN DEFERRED – LOTS 930, 4422, 1,
2563 & 21 WELD ROAD AND JAMIESON ROAD, CAPEL – *RLS/0037***

**0006/41 – CAPEL – RURAL TO URBAN DEFERRED – AREAS
IDENTIFIED IN THE CAPEL TOWNSITE STRATEGY.**

Thank you for your correspondence dated 21 October 2009 regarding the abovementioned proposed Greater Bunbury Region Scheme Amendments.

A search of the electronic portion of the Register of Aboriginal Sites has been undertaken, the results of which are attached. The identified Lots are close to a number of registered Aboriginal Heritage sites. The Capel River in particular is known to have strong and current cultural significance as well as being associated with many aspects of traditional Noongar life.

It is also possible that there are further sites that have not yet been entered on the Register of Aboriginal Sites. The *Aboriginal Heritage Act 1972* ("the Act") protects all Aboriginal sites in Western Australia whether they are known to the Department of Indigenous Affairs (DIA) or not.

Please note that the provision of this information is not to be considered as a clearance (as DIA does not have the power to give approvals; rather DIA's role is to ensure that all the heritage issues have been addressed). The procedures to enable all relevant parties to follow the requirements of the Act are outlined below.

Due to the known cultural sensitivity of this area and the strong community concerns about the impacts of development on Noongar values of the area it is essential that Aboriginal Heritage issues be properly addressed.

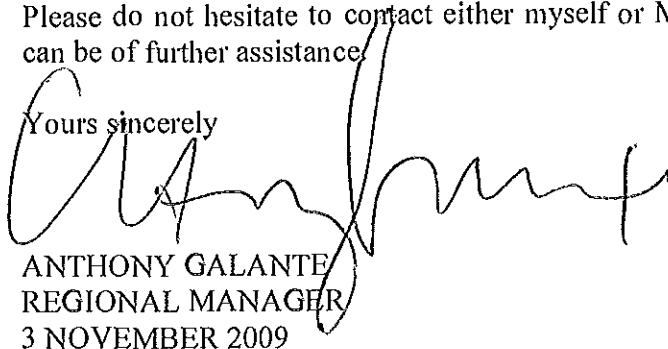
As a WAPC initiative this would be good opportunity to identify heritage issues and any constraints that might arise at an early stage in planning. I would therefore strongly urge that as part of the planning process the WAPC engage suitably qualified consultants to conduct ethnographic and archaeological surveys of the area. This should ensure that all Aboriginal interest groups are consulted so that all sites on the designated land are avoided or identified. Such a survey would involve archival research, consultations and on the ground inspections. A survey should also ensure that the provisions of the Act are met.

It is DIA's preference that any development plans are modified to avoid damaging or altering any sites that may occur. Should this not be possible, and in order to avoid committing an offence under the Act, the landowner should then seek the Minister for Indigenous Affairs' prior written consent to use the land. This is done by submitting a notice in writing under section 18 of the Act ("a section 18 Notice") to the Aboriginal Cultural Material Committee.

Guidelines for lodging a section 18 Notice are available from DIA's website at <http://www.dia.wa.gov.au/Heritage/Standardsweb/s18Notice/s18Toc.aspx>.

Please do not hesitate to contact either myself or Mr Harley Coyne at our Albany office, if we can be of further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Anthony Galante', is written over the typed name and title.

ANTHONY GALANTE
REGIONAL MANAGER
3 NOVEMBER 2009

Search Criteria

1 sites in a search box. The box is formed by these diagonally opposed corner points:

MGA Zone 50	
Northing	Easting
6285057	365635
6287222	367506

Disclaimer

Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist. Consultation with Aboriginal communities is on-going to identify additional sites. The AHA protects all Aboriginal sites in Western Australia whether or not they are registered.

Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved. This includes, but is not limited to, information from the Register of Aboriginal Sites established and maintained under the Aboriginal Heritage Act 1972 (AHA).

Legend

Restriction	Access	Coordinate Accuracy
N No restriction	C Closed	Accuracy is shown as a code in brackets following the site coordinates.
M Male access only	O Open	[Reliable] The spatial information recorded in the site file is deemed to be reliable, due to methods of capture.
F Female access	V Vulnerable	[Unreliable] The spatial information recorded in the site file is deemed to be unreliable due to errors of spatial data capture and/or quality of spatial information reported.

Status

L Lodged	IR	Insufficient Information (as assessed by Site Assessment Group)
I Insufficient Information	PR	Permanent register (as assessed by Site Assessment Group)
P Permanent register	SR	Stored data (as assessed by Site Assessment Group)
S Stored data		

Site Assessment Group (SAG)

Sites lodged with the Department are assessed under the direction of the Registrar of Aboriginal Sites. These are not to be considered the final assessment.

Final assessment will be determined by the Aboriginal Cultural Material Committee (ACMC).

Spatial Accuracy

Index coordinates are indicative locations and may not necessarily represent the centre of sites, especially for sites with an access code "closed" or "vulnerable". Map coordinates (Lat/Long) and (Easting/Northing) are based on the GDA 94 datum. The Easting / Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. '5000000:Z50' means Easting=5000000, Zone=50.



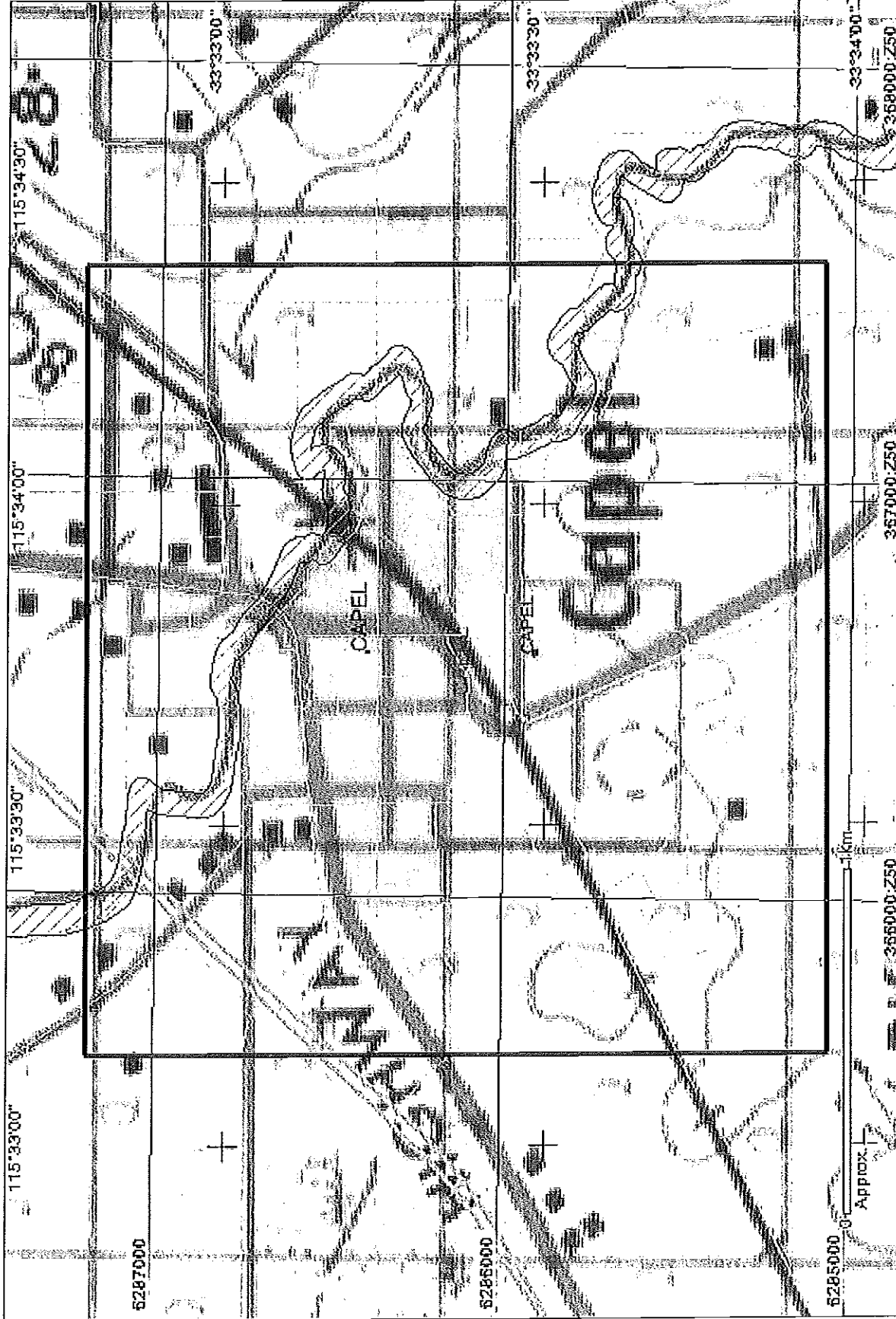
Aboriginal Heritage Inquiry System

Register of Aboriginal Sites



DEPARTMENT OF INDIGENOUS AFFAIRS

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
20061	P	O	N	Capel River	Mythological, Historical		*Registered Informant names available from DIA.	380593mE 6276614mN Zone 50 [Reliable]	



Legend

- Highlighted Area
- Town
- Map Area
- Search Area

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Copyright for Native Title Land Claim, Local Government Authority, Mining Tenement boundaries shall at all times remain the property of the State of Western Australia, All rights reserved.

For further important information on using this information please see the Department of Indigenous Affairs' Terms of Use statement at <http://www.dia.wa.gov.au/Terms-Of-Use/>

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

OFFICE USE ONLY

SUBMISSION NUMBER

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

Name DEPARTMENT OF INDIGENOUS AFFAIRS
(PLEASE PRINT CLEARLY)

Address PO Box 5091 ALBANY Postcode 6220

Contact phone number 98423000 Email address Harley.Cayne@dia.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

see attached

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular Appendix II.

Please choose one of the following:

☒ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

You should be aware that:

- The 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.
- All hearings are recorded and transcribed. The transcripts of all hearings, along with all written submissions, are presented to the Minister for Planning and published as public records should the Minister approve the proposed amendment. The WAPC recommendations are similarly published in a report on submissions.

To be signed by person(s) making the submission

Signature Date 3/11/09

Note: Submissions MUST be received by the advertised closing date; being close of business (5pm) on 15 January 2010. Late submissions will NOT be considered.

Submission 5



Government of Western Australia
Department of Environment and Conservation

Your ref: 809-6-7-2 & 809-6-7-3
Our ref: 2009/001483 SRS25542
Enquiries: Aminya Ennis
Phone: 08 9725 4300
Fax: 08 9725 4351
Email: aminya.ennis@dec.wa.gov.au

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

Attention: Veronica Lwin

ID	2A134406
DEPARTMENT OF PLANNING BUNBURY OFFICE	
6 NOV 2009	
FILE	RLS/0037

00

PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS

0004/41 – CAPEL – RURAL TO URBAN DEFERRED – LOTS 930, 4422, 1, 2563 AND 21 WELD ROAD AND JAMIESON ROAD, CAPEL

0006/41 – CAPEL – RURAL TO URBAN DEFERRED – AREAS IDENTIFIED IN THE CAPEL TOWNSITE STRATEGY

I refer to your letter of 21 October 2009 forwarding the above amendments to the Greater Bunbury Region Scheme for the Department of Environment and Conservation's (DEC) comment.

The Environmental Protection Authority (EPA) provided advice and recommendations on Amendment 0004/41 and 0006/41 on 18 May 2009 and 13 July 2009 respectively.

As stated in the EPA's advice there is not sufficient information available at this stage to provide comments on likely environmental impacts resulting from the proposed amendments.

The remnant vegetation on the subject sites are vegetation complexes with less than 30% of the pre-European extent remaining and therefore should be protected.

The DEC South West Region is aware of known occurrences of the threatened Western Ringtail Possum (WRP) within close proximity of the subject sites. Surveys for WRP should be undertaken to determine the likely presence of WRP and impacts.

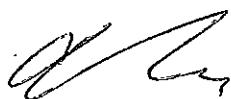
There are two premises licensed under Part V of the Environmental Protection Act within the vicinity of the subject sites:

- Challenge Dairy – L6875/1989/9, milk processing
- Iluka – L6194/1989/9 – mineral sands dry processing

The EPA's *Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses* (June 2005) identifies separation distances for different types of industry to protect sensitive land uses from emissions such as noise, gases, dust and odour. Land uses considered to be potentially sensitive from emissions include residential development or dwellings, shopping centres, some public buildings, retail outlets, offices and training centres and some types of storage and manufacturing facilities.

South West Region
South West Highway, Bunbury WA 6230
Phone: 08 9725300 / Fax: 08 97254351
PO Box 1693, Bunbury, WA 6230
www.dec.wa.gov.au

The DEC South West Region is aware of complaints from residents near the Amendment sites in relation to odour from the Challenge Dairy site. The Region is also aware of complaints in relation to odour and noise from the Iluka site.

A handwritten signature in black ink, appearing to be 'J. L.' or similar, written in a cursive style.

For Regional Manager
2 November 2009



Government of
Western
Australia



mainroads
WESTERN AUSTRALIA

ABN: 50 860 676 021

Enquiries: Colin Nicholls
Our Ref: 05/3004
Your Ref: 809-6-7-2 and 809-6-7-3

19 November 2009

Submission 6

Mr. A. Evans
Secretary
West Australian Planning Commission
Level 6, 61 Victoria Street
Bunbury WA 6230

ATTENTION: Veronica Lwin

ID	
DEPARTMENT OF PLANNING BUNBURY OFFICE	
24 NOV 2009	
FILE	

Dear Veronica

PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS 0004/41 AND 0006/41- CAPEL

Thank you for your referral to our office for comment.

Main Roads has examined the proposals, and has no comment on the proposed amendments

If you require any further information please contact me on 9725 5664. In reply by correspondence please quote file reference 05/3004.

Yours faithfully,

Colin Nicholls
A/Road Corridor Planning Manager



Australian Business
Excellence Awards
Bronze Award 2007



Government of Western Australia
Department of Education and Training

Your ref :
Our ref : D09/0670813
Enquiries :

Submission 7

Mr Tony Evans
Secretary
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
PERTH WA 6000

ID	2A1348586
DEPARTMENT OF PLANNING BUNBURY OFFICE	
26 NOV 2009	
FILE	RLS/0037

Attention: Veronica Lwin

PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS

Thank you for your letter dated 21 October 2009 regarding the proposed Greater Bunbury Region Scheme Amendments.

The Department of Education wishes to reiterate its previous comments made to the Shire of Capel in relation to the Draft Capel Townsite Strategy that the potential student yield from the number of residential lots proposed in the strategy can be accommodated at the Capel Primary School.

The department has reviewed the document and advises that it has no objections to the proposal.

Yours sincerely

RICHARD BLOOR
PRINCIPAL CONSULTANT
ASSET AND ADMINISTRATIVE SERVICES

19 November 2009

DEPARTMENT OF PLANNING	
24 NOV 2009	
FILE	801-67-3P

RLS/0037



61 8 9527 4087
Government of Western Australia
Fire & Emergency Services Authority



Submission 8

Fax

FESA Unexploded Ordnance Services

1 Bowen Street, O'CONNOR WA 6163

PO Box 1174 Perth WA 6844

Tel: (08) 9331 7218 Fax: (08) 9331 5928

Email: Andrew.Arnold@fesa.wa.gov.au

www.fesa.wa.gov.au

TO: VERONICA LWIN

FAX No: (08) 9791 0576

FROM: ANDREW ARNOLD

COMPANY: WAPC (BUNBURY)

DATE: 10 DECEMBER 2009

PAGES (including this): 1

FILE N°: 605-03-01

MESSAGE :

Dear Veronica

Proposed Greater Bunbury Region Scheme Amendments

0004/41 – Capel – Rural to Urban Deferred – Lots 930, 4422, 1, 2563 and 21 Weld Road and Jamleson Road, Capel

0006/41 – Capel – Rural to Urban Deferred – Areas Identified in the Capel Townsite Strategy

Reference:

A. Your letter 809-6-7-2 & 809-6-7-3 dated 21 October 2009

I have reviewed the subject Proposal as outlined in Reference A and have no objections in relation to these amendments.

There are no known records of any areas of possible or potential UXO contamination in the Capel area.

Regards

Andrew Arnold

FESA UXO Liaison Officer

OUR REF: C5.81
ENQ: Mr Hastings

Submission 9

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

ID	247352147
DEPARTMENT OF PLANNING BUNBURY OFFICE	
11 DEC 2009	
FILE	RLS/0037

Dear Sir/Madam

**GREATER BUNBURY REGION SCHEME AMENDMENTS
0006/41 – CAPEL TOWNSITE & 0004/41 – CAPEL EAST**

I am pleased to provide for your consideration a submission on each of the abovementioned amendments proposed to the Greater Bunbury Region Scheme (GBRS). Attached to this correspondence are completed Form 41s as required under the Planning and Development Act. This correspondence forms the content of the submission on each of the amendments as follows:

Amendment 0006/41 – Capel Townsite

The intent of this amendment is supported in that it attempts to reflect the endorsed Capel Townsite Strategy which forms the first component of the Shires Local Planning Strategy. The WAPC should also be commended for progressing with the rezoning of these areas to 'Urban Deferred' under the GBRS based on the strategic planning undertaken for the town in the Townsite Strategy. Establishment of 'Urban Deferred' zones over these areas will enable more detailed planning to be undertaken.

Notwithstanding the above however, an examination of the scheme amendment documents indicates that there is some inconsistency between the intent of the endorsed Townsite Structure Plan (contained within the Strategy) and the 'Urban Deferred' zones proposed for the three areas to the east of the townsite. It appears that the proposed 'Urban Deferred' zones in the GBRS amendment are an exact reflection of various urban deferred categories designated in the Townsite Structure Plan. Whilst such an approach to the mapping is understandable it is not considered suitable in this instance given:

- a) The designations in the Townsite Structure Plan are broad intentions of land use based on an assessment of physical, environmental and other factors. In this respect the urban deferred designations in the Structure Plan represent the general area where urban development should be considered. The urban deferred classifications in the Structure Plan however do not necessarily encompass all of the area that needs to form the unit/cell for future planning purposes. In some instances, as is the case with the 3 subject proposed zones, other land uses designations with also form the future planning unit with both to be better defined through a more detailed planning process.
- b) The Townsite Structure Plan identifies key foreshore and ecological linkage areas ('Multiple Use' designation) adjoining the urban deferred designations upon which the proposed zonings have been based. The extent and alignment of these 'Multiple Use' areas needs to be determined as part of more detailed planning for the whole planning unit.
- c) It is the intent of the Townsite Strategy that the extent and interface between the urban deferred and 'Multiple Use' areas be undertaken together as part of the design and assessment of a single planning unit (most likely structure plan).
- d) Upon such assessment the extent of urban, local and regional open space and other land use can be determined.

The proposed 'Urban Deferred' zoning in the GBRS amendment does not reflect the above intent. It would not enable Integrated consideration as outlined as the zoned areas do not include the adjoining 'Multiple Use' areas identified in the Townsite Strategy. An added and substantial concern is that any future urban rezoning, structure planning and development of these areas would not be able to facilitate inclusion of adjoining areas into regional and local open space. This would include areas along the Capel River which has been identified as a regional ecological linkage and other areas of high environmental value, some of which also form key long term boundaries to the Capel townsite. Some of these areas are also critical to the water management outcomes for the town which is currently being assessed as part of the Capel Local Water Management Strategy.

Based on the above it would be highly appropriate for the advertised 'Urban Deferred' areas to be expanded to include adjoining areas identified as 'Multiple Use - Drainage and/or Ecological Corridor/Foreshore Protection' in the adopted Capel Townsite Structure Plan. This would enable the areas to be designed and assessed as single planning units as part of future structure planning (including in the 'lifting' of the 'Urban Deferred' designation under the GBRS) and facilitate long term protection and ceding of land with important ecological, drainage and other values. A plan outlining the areas to be included in the 'Urban Deferred' zone is attached for your consideration.

Amendment 0004/41 - East Capel

This amendment is supported in that it also reflects the endorsed Capel Townsite Strategy and that area presently being considered for rezoning to 'Urban Development' under Amendment No.38 to the Shire of Capel Town Planning Scheme No.7. It is also noted that the 'Urban Deferred' zone proposed in this amendment includes the area identified in the Townsite Structure Plan as 'Multiple Use'. For reasons outlined in comments on the 'Capel Townsite' amendment, this approach is supported.

We would appreciate the opportunity to discuss these matters with you. Please contact Iliya Hastings within the Shires Planning & Development Services Division (available on most Mondays and Tuesdays) should you have any queries.

Yours faithfully



CM BURWOOD
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES

10 December 2009

Enc Submission Form 41 (x2)
Plan - Proposed Expansion to Urban Deferred Zones

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

OFFICE USE ONLY

SUBMISSION NUMBER

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

Name Shire of Capel

(PLEASE PRINT CLEARLY)

Address PO Box 369 Capel WA Postcode 6271

Contact phone number 9727 0222 Email address info@capel.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Please see attached correspondence.

turn over to complete your submission

Hearing of submissions

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. **You do not have to attend a hearing.** The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular Appendix II.

Please choose one of the following:

☐ **No**, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR

☐ **Yes**, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:

☐ Myself – My telephone number (business hours):

or

☐ A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:

☐ Public (members from the general public may attend your presentation)

OR

☐ Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature *MBurwood* Date *10/12/09*

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 15 January 2010. Late submissions will NOT be considered.

809-6-7-2 & 809-6-7-3
BY1 2003 00126 V01
Garry Crowd
9791 0423

ID	CA 1356272
DEPARTMENT OF PLANNING BUNBURY OFFICE	
07 JAN 2010	
FILE	RLS/0037



6 January, 2010

South West Region
3rd Floor, Bunbury Tower
61 Victoria Street, Bunbury 6230

PO Box 305
Bunbury 6231
Western Australia

Tel (08) 9791 0400
Fax (08) 9791 2280

www.watercorporation.com.au

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

DC

Dear Sir

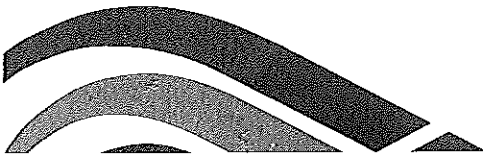
PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS
0004/41 Capel Rural to Urban Deferred – Lots 930, 4422, 1 2563 and 21 Weld &
Jamieson Rd
0006/41 Capel Rural to Urban Deferred – Areas identified in the Capel Townsite
Strategy

I refer to your letter of 21 October 2009 and advise that the Water Corporation has no objection to the proposed amendments subject to the following considerations.

The Corporation is satisfied that the current water supply and wastewater systems in Capel are sound and viable in the long term. Significant expansion of the Capel urban area will require increase in water use and wastewater generation without clear action and careful planning. Water supply is drawn from underground by bores requiring careful management and being subject to licencing constraints in quantity sourced. Wastewater is treated and discharged to mine rehabilitation wetlands with ultimate limitations on volume. While future options will be explored, care in discharge approach and therefore volume generated must be considered.

Protection of critical infrastructure assets must also be considered in terms of current location and associated buffers. The proposals presented in these amendments do not directly impact on the Capel schemes Corporation assets.

The Corporation recommends that all planning for an expanded urban area in Capel be focused strongly on sustainable water services throughout the water cycle including drainage water, scheme water use and wastewater generation.





Please contact the undersigned should you have any queries on this submission.

Yours sincerely

Garry Crowd
Team Leader, Property Services

South West Region
3rd Floor, Bunbury Tower
61 Victoria Street, Bunbury 6230

PO Box 305
Bunbury 6231
Western Australia

Tel (08) 9791 0400
Fax (08) 9791 2280

www.watercorporation.com.au





Secretary
WAPC
Level 6, 61 Victoria Street
BUNBURY WA
6230

ID	2A1357724
DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 JAN 2010	
FILE	RLS/0037

Your Ref: 809-6-7-2 & 809-6-7-3
Our Ref:
Enquiries: Leon van Wyk
Date: 14 January 2010

Dear Sir/Madam

COMMENT: PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS

0004/41 Capel – Rural to Urban Deferred – Lots 930, 4422, 1, 2563 and 21 Weld Road and Jameson Road, Capel

0006/41 Capel – Rural to Urban Deferred – Areas identified in the Capel Townsite Strategy

Thank you for the opportunity to comment on the abovementioned amendment.

The Department of Agriculture and Food (DAFWA) supports the abovementioned amendment in principle, but the following comments should be considered:

1. Appropriate buffers must be incorporated into the rezoned area so that the possibility of landuse conflict can be minimised.
2. When implementing drainage to avoid waterlogging during winter, care must be taken to ensure that the drainage water is managed in such a way as not to have a negative impact on the adjoining agricultural land.

Buffers and Setbacks (general information)

Any changed land use on agricultural land needs to include buffers on the re-zoned land to minimise land use conflict. To ensure agricultural operations on land next to re-zoned areas are not restricted, DAFWA recommends minimum setbacks/buffers of 500 metres be incorporated into the re-zoned areas in accordance with the EPA guidelines: *Separation Distances between Industrial and Sensitive Land Uses*. These guidelines set out minimum separation distances for a range of agricultural activities including market gardens, orchards and dairies and are available on the EPA's website at www.epa.wa.gov.au/docs/1840_GS3.pdf

If you have queries regarding the comments, please contact Leon van Wyk on (08) 9780 6171.

Yours sincerely,

Theo Nabben
Acting Manager, Natural Resource Management (South West)
Department of Agriculture and Food (WA)

Planning and Development Act 2005
Section 41 Amendment (Substantial)
Form 41

Submission

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

OFFICE USE ONLY

SUBMISSION NUMBER

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

Name Department of Agriculture and Food
(PLEASE PRINT CLEARLY)

Address PO Box 1231, Bunbury, WA Postcode
6230

Contact phone number (08) 9780 6171 Email address leon.vanwyk@agric.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Attached

turn over to complete your submission

Hearing of submissions

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Please choose one of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:



Myself – My telephone number (business hours):

or



A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



Public (members from the general public may attend your presentation)

OR



Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature



Date

14/1/2010

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 15 January 2010. Late submissions will NOT be considered.

0897272365

Planning and Development Act 2005
Section 41 Amendment (Substantial)
 Form 41

ID	2A/357723
DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 JAN 2010	
FILE	R/S/0037

Submission

Greater Bunbury Region Scheme Amendment 0004/41

Capel East

OFFICE USE ONLY

SUBMISSION NUMBER

Submission 12

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

Name Barbara + Douglas McDowell

(PLEASE PRINT CLEARLY)

Address 63 Jamieson Road Capel WA Postcode
6271 (Lot 73)

Contact phone number (08) 97272365 Email address barbara.mcdowell@bigpond.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

My family are opposed to the amendment to rezone this currently rural land to urban deferred, and any future potential development.

We made a smart lifestyle choice to purchase property alongside rural land believing our future was safe from development. Rezoning and development would impact on our lifestyle, with increased traffic, noise, dust, human activity, reduced visual pleasure, and a threat to local native fauna.

Local native fauna includes the Brush-tailed phascogale (a rare + threatened marsupial), Tawny frogmouth birds, Western Kingtail Possums, Blue wrens, Emu, and Kangaroos.

Flooding issues (as experienced in July 1999 + deemed by elder locals as part of a 20 year cycle) are currently inadequately prepared for and pose serious risk to existing properties. Current drains are poorly maintained and would not cope with water as seen in 1999.

In conclusion, although opposed to amending the zoning from rural, in the event it is approved, please consider stipulating a limit in future development by restricting lot size to minimum 4000m² in consistence with existing properties.

turn over to complete your submission

0897272365

age 2 of 2

CBRSA 0004/41
Capel East**Hearing of submissions**

Anyone who has made a written submission on the amendment has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. You do not have to attend a hearing. The comments presented by you in this written submission will be considered in determining the recommendation for the proposed amendment.

For information about the submission and hearings process, please refer to the amendment report and in particular Appendix II.

Please choose one of the following:



No, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign)

OR



Yes, I wish to speak at the hearings. (Please complete the following details)

I will be represented by:



Myself - My telephone number (business hours):

or



A spokesperson

Name of spokesperson:

Contact telephone number (business hours):

Postal address:

I would prefer my hearing to be conducted in:



Public (members from the general public may attend your presentation)

OR



Private (only the people nominated by you or the hearings committee will be permitted to attend)

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To be signed by person(s) making the submission

Signature

Barbara McDowell

Date

14/01/2010

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 15 January 2010. Late submissions will NOT be considered.

Lwin, Veronica

Submission 13

From: FULLER, Kevin [Kevin.FULLER@dmp.wa.gov.au]
Sent: Thursday, 14 January 2010 2:24 PM
To: Lwin, Veronica
Subject: Greater Bunbury Region Scheme Amendments 0004/41 and 0006/41

Hi Veronica,

The proposal does not impact on any known resources and the tenement holder has no objections to the proposal. Therefore the Department of Mines and Petroleum does not oppose the above Scheme amendments.

Regards,

Kevin Fuller

A/g Executive Officer

Mineral Titles Division

Department of Mines and Petroleum

100 Plain Street

East Perth WA 6000

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DMP Ref: A1832/200901

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Submission 14

Lwin, Veronica

From: ANDERSON Carol [Carol.ANDERSON@water.wa.gov.au]
 Sent: Tuesday, 19 January 2010 9:42 AM
 To: Lwin, Veronica
 Subject: FW: GBRS Amendment 0004/41
 Attachments: Capel 38.jpg

Subject: RE: GBRS Amendment 0004/41

Hi Veronica

I have a referral from the Shire of Capel to rezoned land from Rural to Urban Development for this GBRS Amendment area - Scheme 7 Amendment 38. This Amendment will be subject to the WAPC endorsing Amendment 25 which permits this Interim Zone.

Attached is page 5 from Amendment 38 which explains this.

So, if Amendment 25 is endorsed then Amendment 38 should be supported by a District Water Management Strategy and the Outline Development Plan which would see Urban Development to 'Residential or lifting of the zone' should be supported by a Local Water Management Strategy. Then, the DoW wouldn't need a District WMS as part of the GBRS Amendment.

Regards
 Carol

From: ANDERSON Carol
 Sent: Friday, 15 January 2010 4:18 PM
 To: 'Lwin, Veronica'
 Subject: GBRS Amendment 0004/41

Hi Veronica

Thank you for the opportunity to provide comments on the proposed Region Scheme Amendment.

As discussed today, the 'planning process' dictates what 'water planning documents' are required for the planning decision being made. Also, that between the Region Scheme Amendments from 'Rural' to Urban Deferred' and then 'lifting of Urban Deferred' and Council's Planning Scheme Amendment that a *District level Water Management Strategy*, consistent with the *Better Urban Water Management* framework, should be prepared.

The District Water Management Strategy (DWMS) will identify the suitability of the land for urban development and will identify environmental constraints that may impact on development. The DWMS is a strategic scoping document that identifies past investigations and those required to be undertaken at future stages. It will also assist Council to achieve integration to its local drainage systems and gives Council and the Department of Water the opportunity to dictate/guide the *Local Water Management Strategies* that will be undertaken by individual developers of the subject land.

If Council's Scheme does not have an Interim rezoning process where a DWMS can be prepared after this Region Scheme Amendment, the DWMS should be prepared as part of this Regional Scheme Amendment process.

Regards

Carol Anderson
 S W Region
 Dept of Water

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21/01/2010

Lwin, Veronica

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Sent: Friday, 15 January 2010 4:18 PM
To: Lwin, Veronica
Subject: GBRs Amendment 0004/41

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Regards

Carol Anderson
S W Region
Dept of Water

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17/01/2010