

March 2010

# **Greater Bunbury Region Scheme Amendment 0006/41**



## **Areas Identified in the Capel Townsite Strategy**

Report on Submissions  
and  
Submissions

Shire of Capel

---

**Greater Bunbury Region Scheme  
Amendment 0006/41**

**Areas Identified in the Capel Townsite Strategy**

---

**Report on Submissions  
&  
Submissions**

Shire of Capel



March 2010

© State of Western Australia

Published by the  
Western Australian Planning Commission,  
Albert Facey House,  
469 Wellington Street,  
Perth Western Australia 6000

GBRS Amendment 0006/41      Report on Submissions and Submissions  
File RLS/0038/1  
Published March 2010

ISBN 0 7309 9959 9

Internet: <http://www.planning.wa.gov.au>  
e-mail: [corporate@planning.wa.gov.au](mailto:corporate@planning.wa.gov.au)  
Phone: (08) 9264 7777  
Fax: (08) 9264 7566  
TTY: (08) 9264 7535

Copies of this document are available in  
alternative formats on application to the  
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

# Contents

## Report on Submissions

1.	Introduction.....	1
2.	The Proposed Amendment.....	1
3.	Environmental Protection Authority Advice .....	2
4.	Call for Submissions.....	2
5.	Submissions and Hearings.....	3
6.	Main Issues Raised in Submissions.....	3
7.	Hearings .....	4
8.	Determinations .....	4
9.	Modifications to the Amendment .....	4
10.	Conclusion and Recommendation.....	4

Schedule 1	Alphabetical Listing of Submissions
Schedule 2	Summary of Submissions and Determinations
Schedule 3	The Amendment Figure as Advertised
Schedule 4	The Amendment Figure as Modified
Appendix 1	List of Detail Plans as Advertised
Appendix 2	List of Detail Plans as Modified

## Submissions

**AMENDMENT 0006/41 TO THE GREATER BUNBURY REGION SCHEME  
CAPEL TOWNSITE  
REPORT ON SUBMISSIONS**

**1. INTRODUCTION**

At its meeting on 15 May 2009 the Western Australian Planning Committee (WAPC) resolved to proceed with Amendment 0006/41 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 various areas of land identified for future urban development in the Capel Townsite Strategy from Rural zone to Urban Deferred zone to facilitate future residential development.

**Background**

The subject land consists of the following lots:

- Lot 1 and portion of Lot 3 Goodwood Road;
- Lot 840 and portions of Lots 91, 164, 20 and 839 Jamieson Road;
- portions of Lots 3 and 50 Weld Road;
- portion of Lot 4 abutting Gavins Road;
- portion of Lot 1 Gavins Road;
- portions of Lot 1 Capel Drive;
- portion of Lot 100 Hannaby Grove;
- Lots 34, 232, 1 and 37 West Road, Capel; and
- portion of West Road abutting Bussell Highway.

These lots are located at the edge of the existing Capel Townsite and comprise a total land area of 131.7ha.

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. In light of this, the subject land has been identified in the Capel Townsite Strategy for future urban 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 2009 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**

Eleven submissions received were from government agencies or infrastructure providers with two submissions being from landowners of lots near the subject land. Submissions of no objection or comment on the proposal were received from:

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

One submission of support was from a commercial organisation operating in the vicinity of the subject land (Submission 14).

Two submissions from landowners of nearby lots were received. One submission raised some concerns (Submission 11) and another submission objected to the proposal (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 responses to all submissions are detailed in schedule 2. The one submission of objection is recommended to be dismissed as the subject land has been identified in the Capel Townsite Strategy for the expansion of the Capel townsite. The density of the future urban area would be determined at the time of structure planning. The submission requesting the modification of the amendment to include areas identified as 'Multiple Use - Drainage and/or Ecological Corridor/Foreshore Protection' in the Capel Townsite Strategy has been upheld and modified accordingly, as this land should be included in the future structure planning of the area.

## **9. MODIFICATIONS TO THE AMENDMENT**

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

In this instance the WAPC is recommending to the Minister that modifications be made to the proposal to include in the amendment, areas identified as 'Multiple Use - Drainage and/or Ecological Corridor/Foreshore Protection' in the Capel Townsite Strategy. Schedule 4 contains the amendment figures as modified. A list of detail plans as modified, is contained in appendix 2.

## **10. CONCLUSION AND RECOMMENDATION**

This report summarises the background to GBRS Amendment 0006/41 and examines the various submissions made.

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

## **SCHEDULE 1**

### **ALPHABETICAL LISTING OF SUBMISSIONS**

## **Alphabetical Listing of Submissions**

### **GBRS Amendment 0006/41**

#### **Areas Identified in the Capel Townsite Strategy**

<b>Submission Number</b>	<b>Name</b>
10	Agriculture and Food, Department of
14	Capel Properties WA Pty Ltd
8	Capel, Shire of
6	Education, Department of
4	Environment and Conservation, Department of
7	FESA UXO
3	Indigenous Affairs, Department of
12	Lamplough, Ian & Kavanagh, Sharon
5	Main Roads Western Australia
11	McDowell, Barbara
13	Mines and Petroleum, Department of
1	Telstra
9	Water Corporation
2	Western Power

## **SCHEDULE 2**

### **SUMMARY OF SUBMISSIONS AND DETERMINATIONS**

**AMENDMENT 0006/41 TO THE GREATER BUNBURY REGION SCHEME  
CAPEL TOWNSITE**

**SUMMARY OF SUBMISSIONS AND DETERMINATIONS**

**Submission:** 1

**Submitted by:** Telstra

**Nature of Interest:** Service Provider

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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:** Western Power

**Nature of Interest:** Service Provider

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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.
2. Matter should be addressed by Western Power at the structure plan and subdivision stage.

**Determination:**

Submission noted.

---

**Submission:** 3

**Submitted by:** Department of Indigenous Affairs (DIA)

**Nature of Interest:** Government Agency

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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 and development stage.

**Determination:**

Submission noted

---

**Submission:** 4

**Submitted by:** Department of Environment and Conservation (DEC)

**Nature of Interest:** Government Agency

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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.

---

<b>Submission:</b>	5
<b>Submitted by:</b>	Main Roads Western Australia
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy

**Summary of Submission:** No objection

1. No comments to the proposal

**Planning Comment:**

1. Noted.

**Determination:**

Submission noted.

---

<b>Submission:</b>	6
--------------------	---



**Submitted by:** Department of Education

**Nature of Interest:** Government Agency  
**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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:** 7

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

**Nature of Interest:** Government Agency

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**Summary of Submission:** No objection

1. No objection to the proposal

**Planning Comment:**

1. Noted.

**Determination:**

Submission noted

---

**Submission:** 8

**Submitted by:** Shire of Capel

**Nature of Interest:** Local Government

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**Summary of Submission:** Supported

1. Proposal supported.
2. Recommends that this amendment includes the areas identified as 'Multiple Use - Drainage and/or Ecological Corridor/Foreshore Protection' in the Capel Townsite Structure Plan. This would enable the areas to be designed and assessed as single planning units as part of future structure planning and facilitate longer term protection and ceding of land.

**Planning Comment:**

1. Requested modifications will be incorporated.

**Determination:**

Submission upheld.

---

**Submission:** 9

**Submitted by:** Water Corporation

**Nature of Interest:** Service Provider

**Affected Land:** various areas of land identified for future urban development in the Capel Townsite Strategy

**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 and subdivision stage.

**Determination:**

Submission noted.

---

<b>Submission:</b>	10
<b>Submitted by:</b>	Department of Agriculture and Food WA (DAFWA)
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy
<b>Summary of Submission:</b>	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 & 3. These matters to be addressed by DAFWA at the structure plan and subdivision stage.

**Determination:**

Submission noted.

---

<b>Submission:</b>	11
<b>Submitted by:</b>	Barbara McDowell
<b>Nature of Interest:</b>	Land owners of Lot 73 (No. 63) Jamieson Road, Capel
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy

**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 4,000m<sup>2</sup> 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.

---

<b>Submission:</b>	12
<b>Submitted by:</b>	Ian Lamplough and Sharon Kavanagh
<b>Nature of Interest:</b>	Land owners of Lot 85 (No. 13) East Road, Capel
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy
<b>Summary of Submission:</b>	Support. Requests the following concerns to be addressed.
1.	Flooding issues are inadequately prepared for and pose serious risk to existing and proposed dwellings. The current drains are poorly maintained and would not cope with flooding.
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. The Jarrah, Marri, Paperbark and Peppermint trees within the subject land provide habitat for local birds and wildlife and as such requests that an arbourist report be carried out.

**Planning Comment:**

1. The EPA did not require formal assessment over the land. The DEC has stated that remnant vegetation should be protected and that WRP surveys should be undertaken. These matters will be addressed at the time of structure planning.

**Determination:**

Submission noted.

---

<b>Submission:</b>	13
<b>Submitted by:</b>	Department of Mines and Petroleum
<b>Nature of Interest:</b>	Government Agency
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy
<b>Summary of Submission:</b>	No objection.

1. No objection to the proposal

**Planning Comment:**

1. Noted.

**Determination:**

Submission noted.

---

<b>Submission:</b>	14 (Late Submission)
<b>Submitted by:</b>	Capel Properties WA Pty Ltd
<b>Nature of Interest:</b>	Private Business
<b>Affected Land:</b>	various areas of land identified for future urban development in the Capel Townsite Strategy

**Summary of Submission:** Support.

1. Supports the rezoning of Lot 3 Weld Road, Capel.

**Planning Comment:**

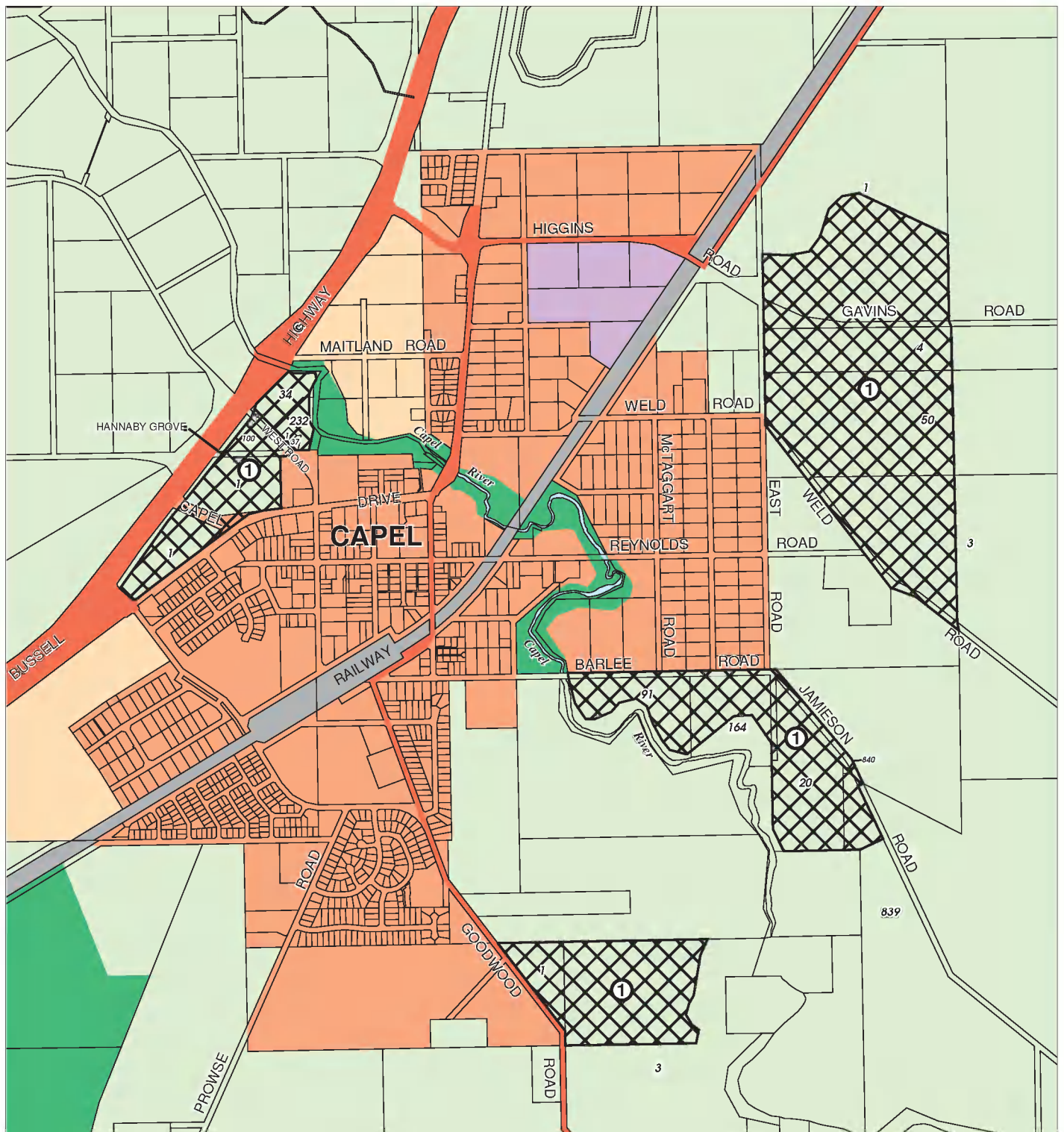
1. Noted.

**Determination:**

Submission noted.

### **SCHEDULE 3**

**THE AMENDMENT FIGURE AS ADVERTISED**



## Capel Townsite Expansion - proposed amendment 0006/41 : as advertised

Lot 1 and portion of Lot 3 Goodwood Road; Lot 840 and portions of Lots 91, 164, 20 and 839 Jamieson Road; Lots 3 and 50 Weld Road; Lot 4 abutting Gavins Road; portion of Lot 1 Gavins Road; portions of Lot 1 Capel Drive; portion of Lot 100 Hannaby Grove; Lots 34, 232, 1 and 37 West Road, Capel and portion of West Road abutting Bussell Highway, Capel.

6 October 2009

Figure 1

### Greater Bunbury Region Scheme Legend

Proposed:



urban deferred zone

Existing:



rural zone



urban zone



urban deferred zone



industrial zone



regional open space reservation



railways reservation



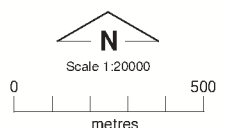
primary regional roads reservation



waterways reservation



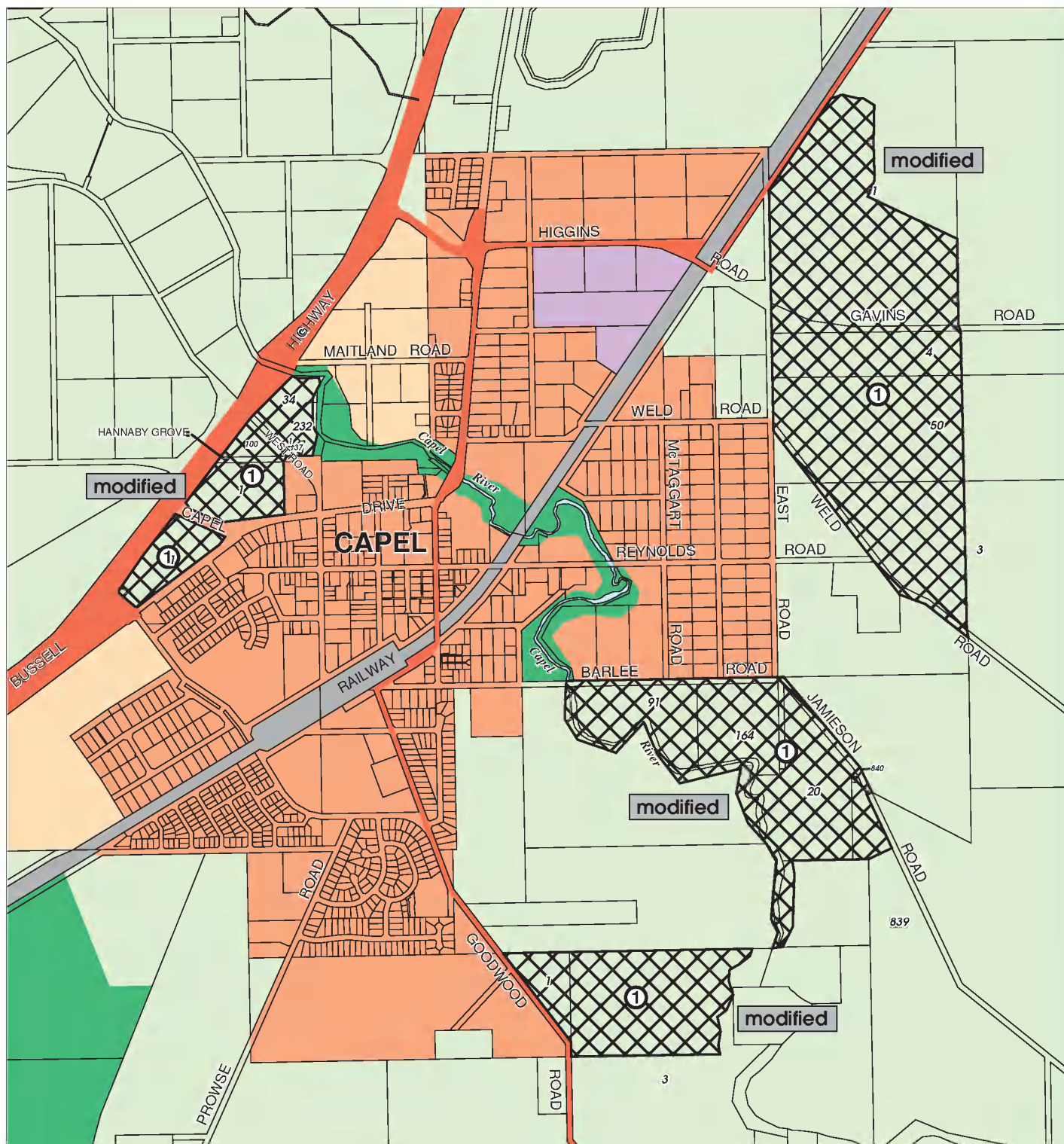
Capel urban deferred amd\_proposal.dgn  
16 Mar 2010  
Produced by Cartographic Section, Department for Planning and Infrastructure  
On behalf of the Western Australian Planning Commission, Perth WA  
Base information supplied by Western Australian Land Information Authority GL248-2007-2





## **SCHEDULE 4**

**THE AMENDMENT FIGURE AS MODIFIED**



## Capel Townsite Expansion - proposed amendment 0006/41 : as modified

Lot 1 and portion of Lot 3 Goodwood Road; Lot 840 and portions of Lots 91, 164, 20 and 839 Jamieson Road; Lots 3 and 50 Weld Road;

Lot 4 abutting Gavins Road; portion of Lot 1 Gavins Road; portions of Lot 1 Capel Drive; portion of Lot 100 Hannaby Grove;

Lots 34, 232, 1 and 37 West Road, Capel and portion of West Road abutting Bussell Highway, Capel.

10 March 2010

Figure 1

### Greater Bunbury Region Scheme Legend

Proposed:



urban deferred zone

Existing:



rural zone



urban zone



urban deferred zone



industrial zone



regional open space reservation



railways reservation



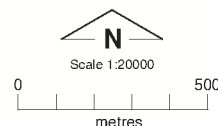
primary regional roads reservation



waterways reservation



Capel urban deferred amd\_proposal\_modified.dgn  
16 Mar 2010  
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**

**Areas Identified in the Capel Townsite Strategy**

**Proposed major amendment**

**Amendment 0006/41**

**as advertised**

**3.2333**

**Detail plans**

2.0783

## **APPENDIX 2**

### **LIST OF DETAIL PLANS AS MODIFIED**

**Areas Identified in the Capel Townsite Strategy**

**Proposed major amendment**

**Amendment 0006/41**

**as advertised**

**3.2333/1**

**Detail plans**

2.0783/1

**SUBMISSIONS**

Cullen, Danny

## Submission 1

**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 6730  
E-Mail: [paul.nuttall@team.telstra.com](mailto:paul.nuttall@team.telstra.com)

This communication may contain CONFIDENTIAL or copyright information of Telstra Corporation Limited (ABN 33 051 775 656). If you are not an intended recipient, you MUST NOT keep, forward, copy, use, save or rely on this communication, and any such action is unauthorised and prohibited. If you have received this communication in error, please reply to this e-mail to notify the sender of its incorrect delivery, and then delete both it and your reply. Thank you.

28/10/2009



**Submission 2****Lwin, Veronica**

**From:** Dolby, David on behalf of corporate  
**Sent:** Friday, 30 October 2009 1:49 PM  
**To:** Lwin, Veronica  
**Subject:** FW: Veronica Lwin - Ref 809-6-7-3 - Proposed Greater Bunbury Region Scheme Amendments for 0006/41 - Rural to Urban Deferred - Areas Identified in the Capel Townsite Strategy

**From:** Lynn Walker [mailto:lynn.walker@westernpower.com.au]  
**Sent:** Friday, 30 October 2009 1:15 PM  
**To:** corporate  
**Subject:** Veronica Lwin - Ref 809-6-7-3 - Proposed Greater Bunbury Region Scheme Amendments for 0006/41 - Rural to Urban Deferred - Areas Identified in the Capel Townsite Strategy



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

<b>To:</b>	Veronica Lwin	<b>From:</b>	Lynn Walker
<b>Organisation:</b>	WAPC	<b>Section:</b>	Connections
<b>Email / Fax:</b>	corporate@planning.wa.gov.wa		
<b>Your Ref:</b>	809-6-7-3		
<b>Date:</b>	30/10/2009		

ID	EA1343035
DEPARTMENT OF PLANNING BUNBURY OFFICE	
30 OCT 2009	
FILE	RLS/0038

**Re: Proposed Greater Bunbury Region Scheme Amendments for 0006/41 - Rural to Urban Deferred  
 - Areas Identified in the Capel Townsite Strategy**

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](http://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 3 9



COPY

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

ID	241344149
DEPARTMENT OF PLANNING BUNBURY OFFICE	
5 NOV 2009	
FILE	RLS/0038

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

0006/41 – CAPEL – RURAL TO URBAN DEFERRED – AREAS  
IDENTIFIED IN THE CAPEL TOWNSITE STRATEGY. – *RLS/0038*

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.

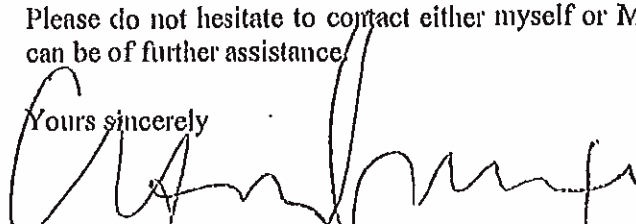
As a WAPC initiative this would be good opportunity to identify heritage issues and any constraints that might arise at an early stage in planning. I would therefore strongly urge that as part of the planning process the WAPC engage suitably qualified consultants to conduct ethnographic and archaeological 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



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. [Reliable] The spatial information recorded in the site file is deemed to be reliable, due to methods of capture.
M Male access only	O Open	[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.
F Female access	V Vulnerable	

## Status

L Lodged	IR	Insufficient Information (as assessed by Site Assessment Group)	Site Assessment Group (SAG)
I Insufficient Information	PR	Permanent register (as assessed by Site Assessment Group)	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.
P Permanent register	SR	Stored data (as assessed by Site Assessment Group)	Final assessment will be determined by the Aboriginal Cultural Material Committee (ACMC).
S Stored data			

## 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. '500000:250' means Easting=500000, Zone=50.



# Aboriginal Heritage Inquiry System

Register of Aboriginal Sites

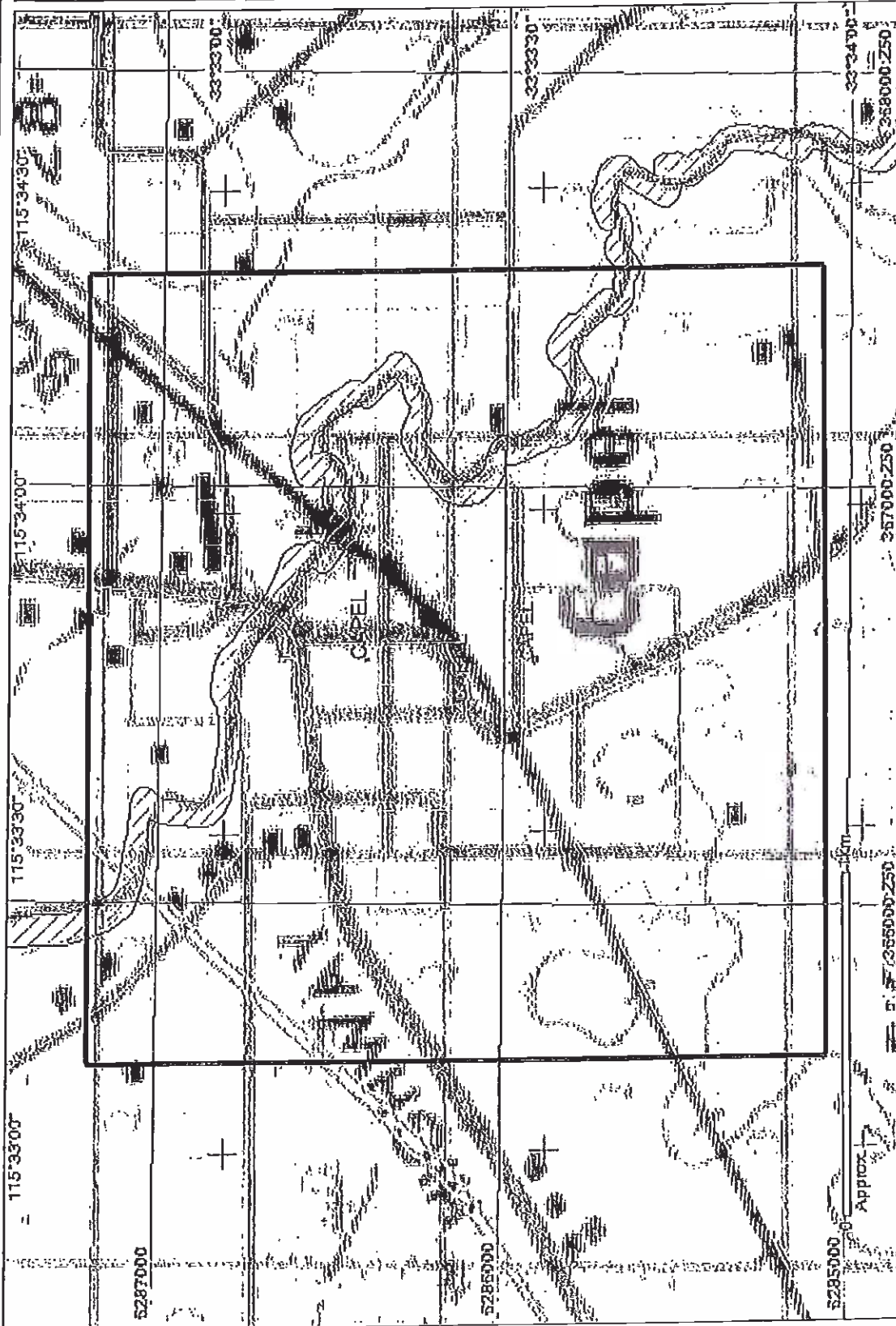


Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
20061	P	O	N	Capel River	Mythological, Historical		*Registered Informant names available from DIA	380593mE 6276614mN Zone 50 [Reliable]	



# Aboriginal Heritage Inquiry System

Register of Aboriginal Sites



## Legend

- Highlighted Area
- Town
- Map Area
- Search Area

Copyright for base map information shall at all times remain the property of the Commonwealth of Australia - Geoscience Australia - National Mapping Division. All rights reserved.

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.Coyne@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 .....

8/11/09

Note: Submissions MUST be received by the advertised closing date, being close of business (6pm) on 15 January 2010. Late submissions will NOT be considered.



//

## Submission 4



Government of Western Australia  
Department of Environment and Conservation

Your ref: 000-6-7-2 & 000-6-7-3  
Our ref: 2009/001483 8R825542  
Enquiries: Amitya Ennis  
Phone: 08 9725 4300  
Fax: 08 9725 4351  
Email: amitya.ennis@dec.wa.gov.au

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

Attention: Veronica Lwin

ID	211344408
DEPARTMENT OF PLANNING BUNBURY OFFICE	
6 NOV 2009	
FILE	RLS/0038

AO

**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. Smith' or similar, written in a cursive style.

For Regional Manager  
2 November 2009



Government of  
Western  
Australia



ABN: 50 860 676 021

12

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

19 November 2009

## Submission 5

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

South West Region, Robertson Drive, Bunbury or PO Box 5010, Bunbury Western Australia 6231  
Telephone: (08) 9725 5677 Facsimile: (08) 9725 5666  
Email: swreg@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au



Government of Western Australia  
Department of Education and Training

## Submission 6

13

Your ref :  
Our ref : D09/0670813  
Enquiries :

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

ID	271348584
DEPARTMENT OF PLANNING BUNBURY OFFICE	
26 NOV 2009	
FILE	RLS/0038

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	801-6-7-3P

RLS/0038



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



## Submission 7

*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) 9701 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 Jamieson 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 8

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

ID	eA7352148
DEPARTMENT OF PLANNING BUNBURY OFFICE	
1.1 DEC 2000	
FILE	RLS/0038

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 will 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 Illya 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



**NOTE:**

This plan should be read in conjunction with the Capel Townsite Strategy report adopted by Council as a policy in July 2003 and endorsed by the Western Australian Planning Commission in October 2003.

This plan is not a "Zoning Plan"

No further expansion north due to mineralisation, industrial buffers, drainage, land capability, towns form and environmental values.

No further expansion east due to drainage and land capability issues, agricultural value and operations, buffers and towns form.

No further expansion south due to impacts on environmental values, agricultural operations, mineralised areas, land capability and towns form.

Areas recommended to be added to 'Urban Deferred' zones proposed in Amendment No.0006/41 to the Greater Bunbury Region Scheme

**PLANNING POLICY STATEMENTS**

1. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
2. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
3. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
4. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
5. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
6. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
7. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
8. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
9. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
10. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
11. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
12. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
13. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
14. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
15. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
16. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
17. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
18. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
19. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.
20. The Shire of Capel is a rural town and its development should be controlled in accordance with the Greater Bunbury Region Scheme and the Shire of Capel Planning Policy Framework.

**LEGEND**

- |  |  |                                  |
|--|--|----------------------------------|
| Green Field  | Special Use Zone (e.g. Airport, Port Area) | Urban Deferred                   |
| Community Estate   | Town Centre                                | Short Term Urban Deferred - ST1  |
| Light Industry Expansion - LIT1                                      | Town Centre Expansion                      | Medium Term Urban Deferred - MT1 |
| Light Industry   | Town Centre Station                        | Long Term Urban Deferred - LT1   |
| Multiple Use - Offices and for Ecological Corridor/Forest Protection | Town Centre Station Buffer                 | (See Table 10)                   |
| Primary School Expansion   | Water Treatment Plant                      |                                  |
| Railway  | Cemetery/Recreation                        |                                  |
| Recreation   | Water Corporation Buffer                   |                                  |
| Road   |  |                                  |

- |                                  |                            |                   |
|----------------------------------|----------------------------|-------------------|
| Urban Deferred                   | Boundaries/Buffer          | Roads             |
| Short Term Urban Deferred - ST1  | Boundary Buffer            | Major Highway     |
| Medium Term Urban Deferred - MT1 | Planning District          | District Boundary |
| Long Term Urban Deferred - LT1   | Planning District Boundary | Local Connector   |
|                                  | Planning District Boundary | Industrial Access |

ATTACHMENT PLAN TO SUBMISSION FROM SHIRE OF CAPEL  
GBRS AMENDMENT 0006/41



Adopted July 2008

Scale 1:20000



15

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

Submission

Greater Bunbury Region Scheme Amendment 0006/41

Capel Townsite Expansion

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)

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 ..... *MBurwood* ..... Date ... *10/12/09* .....

**Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 16 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	1241356270
DEPARTMENT OF PLANNING BUNBURY OFFICE	
07 JAN 2010	
FILE	RLS/0038



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](http://www.watercorporation.com.au)

6 January, 2010

DC

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

Dear Sir

PROPOSED GREATER BUNBURY REGION SCHEME AMENDMENTS  
0004/41 Capel Rural to Urban Deferred – Lots 930, 4422, 1 2563 and 21 Weld &  
Jannieson 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



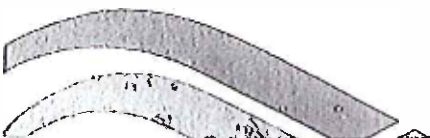
Garry Crowd  
Team Leader, Property Services

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](http://www.watercorporation.com.au)





Department of Agriculture and Food  
Government of Western Australia



34

## Submission 10

Secretary  
WAPC  
Level 6, 61 Victoria Street  
BUNBURY WA  
6230

ID	RA 1357722
DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 JAN 2010	
FILE	RLS/0038

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](http://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 0006/41**

**Capel Townsite Expansion**

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) 977953474 Email address leon.van.wyk@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

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 .....

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.**



Page 1 of 2

0897272365

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

ID	24/35772/
DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 JAN 2010	
FILE	RLS/0038

**Submission**

Greater Bunbury Region Scheme Amendment 0006/41

**Capel Townsite Expansion**

OFFICE USE ONLY

SUBMISSION NUMBER

**Submission 11**

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

Name Barbara McDowell

(PLEASE PRINT CLEARLY)

Address 63 (Lot 73) Jamieson Rd Capel Postcode 6271Contact 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  
 \* Lot 840 and portions of Lot 91, 164, 20 and 839  
 Jamieson Rd in particular, from rural to urban  
 deferred + any future subdivisions.  
 We made a smart lifestyle choice to purchase property along  
 side rural land believing we were safe from developments.  
 Re-zoning would impact on our lifestyle with increased  
 traffic, noise, dust, human activity, reduced pleasurable outlook,  
 and threat to local native fauna - including the Brush-tailed  
 phascogale (rare + threatened); Tawny frogmouth + Blue Wren  
 hoods; Western Ringtail possums; Emu and Kangaroos.  
 We experienced flooding in the area in July 1999 and current  
 measures are inadequate. Should we experience such rain  
 again (locals stated it was a 20 year cyclic occurrence), drains  
 are poor maintained and inadequate. The land in this  
 proposal (as above) was totally under water from Jamieson Rd  
 to the river.

Should rezoning go ahead, despite my concerns, I would  
 like a clause stipulating a restriction in lot size to  
 minimum of 4000m<sup>2</sup> as consistent with existing properties.

turn over to complete your submission

0897272365

Page 2 of 2

**Hearing of submissions**

GBRSA 0006/41

Capel Townsite Expansion

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 Barbara McDowell Date 14/01/2010

**Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 16 January 2010. Late submissions will NOT be considered.**

ID	EA1357720
DEPARTMENT OF PLANNING BUNBURY OFFICE	
15 JAN 2010	
FILE	RLS/0038

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

**Submission**

Greater Bunbury Region Scheme Amendment 0006/41

Capel Townsite Expansion

OFFICE USE ONLY

SUBMISSION NUMBER

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

**Submission 12**

Name Ian Lamplough and Sharon Kavanagh  
(PLEASE PRINT CLEARLY)

Address 13 East RD Capel Postcode 6721

Contact phone number 97273285 Email address Sharon.kavanagh8@bigpond.com

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

See attached page

turn over to complete your submission

CAPTEL LIBRARY



## 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 [Signature] Date 12/01/10

**Note: Submissions MUST be received by the advertised closing date, being close of business (6pm) 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](mailto:corporate@planning.wa.gov.au); Website - <http://www.planning.wa.gov.au>

CAPEL LIBRARY

We would like the following concerns to be addressed Re: East Rd development.

We are situated at 13 East rd (lot 85), we have the drain (Winter Creek) running through our property. Previously we have had discussions with the council about the flooding issues in the area and particularly on our property; the council have advised that it was Waters and Rivers responsibility. We have had no choice but to employ contractors to ensure the drain is maintained and freely flowing. The run off from our property has been designed to flow into the drain. The drain which will no longer be in use, running through our property, will need to be back filled and the run off from these properties redirected to storm water drains. This would need to be done to a standard that ensures no hazards remain with the existing drain (that will no longer be in use). This includes the levelling of spoon drains running along East Road that will no longer be necessary for water catchment.

Will the new pipeline or redirection cope when a wet winter comes and who will be responsible or liable if new or existing houses are flooded. This is a real concern and there needs to be great emphasis on this potential risk. It will need to be over engineered to cope with the 20 year flood. I think that if locals were approached about the 20 year flood they would be happy to share their knowledge and impact on the proposed area in the past.

We also have concerns for the local native trees, in the proposed new development which are Jarrah, Marris, Paperbarks and Peppermints all providing habitat for local birds and wildlife of which are in abundance at present. I have worked closely with Councils in Perth as Operations Manager of a Tree company, and to me the trees appear to be in excellent health. I would like to request an Arbourist report be carried out on the trees as it takes years to grow healthy trees like this for everyone to appreciate. I am confident an arbourist Report would render 90% of these natives healthy and safe



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

Tel: 9222 3235 Fax: 9222 3790

E-mail: [kevin.fuller@dmp.wa.gov.au](mailto:kevin.fuller@dmp.wa.gov.au)

DMP Ref: A1832/200901

DISCLAIMER: This email, including any attachments, is intended only for use by the intended recipient and may contain confidential and/or personal information and may also be the subject of legal proceedings. If you are not the intended recipient, you must not disclose or use the information contained in this email. In this case, please let me know by return email, delete the message permanently and do not forward it to anyone else.

Before you take any action based upon advice and/or information contained in this email, please carefully consider the advice and information and consider obtaining relevant independent professional advice.

14/01/2010

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

Submission

Greater Bunbury Region Scheme Amendment 0006/41

Capel Townsite Expansion

OFFICE USE ONLY

SUBMISSION NUMBER

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

Submission 14

Name Capel Properties WA Pty Ltd

(PLEASE PRINT CLEARLY)

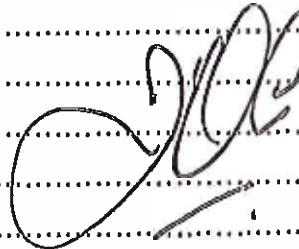
Address "Serena" 410 Caves Rd Postcode  
Siesta Park 6280

Contact phone number 0818938160 Email address David.O'Mahony@Acton.com.au

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

ON BEHALF OF THE OWNERS WE SUPPORT  
THE REZONING OF OUR LOT 3 WELD ROAD  
TO URBAN DEVELOPMENT IN ORDER TO FACILITATE  
FUTURE RESIDENTIAL DEVELOPMENT

David O'Mahony



ID	211358783
DEPARTMENT OF PLANNING BUNBURY OFFICE	
21 JAN 2010	
FILE	RLS/0038

DC

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 18.1.2009

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](mailto:corporate@planning.wa.gov.au); Website - <http://www.planning.wa.gov.au>