

July 2011

**Greater Bunbury
Region Scheme
Amendment 0019/41
(major amendment)**



Harvey Townsite Expansion

Amendment Report

Shire of Harvey



GOVERNMENT OF
WESTERN AUSTRALIA

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The Greater Bunbury Region Scheme

What it is and how it is amended

Planning Greater Bunbury's future

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

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

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

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

What is the Greater Bunbury Region Scheme?

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

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

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

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

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

What is an amendment?

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

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

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

How is the Greater Bunbury Region Scheme amended?

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

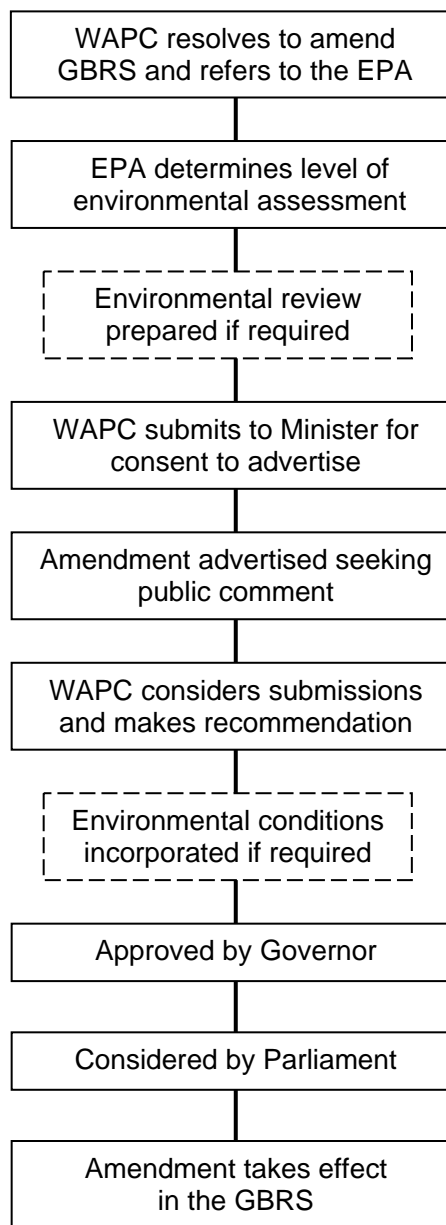
The amendment process is regulated by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 41 (often referred to as a major amendment).

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

- Formulation of the amendment by the WAPC.
- Referral of the proposed amendment to the Environmental Protection Authority (EPA) to set the level of environmental assessment. Where the EPA requires an environmental review, this is carried out before the amendment is advertised.
- Consent by the Minister for Planning to call for submissions.

- Advertising the amendment for public inspection and inviting submissions. Advertisements are placed in local and statewide newspapers and information is made available on the WAPC's website. Landowners whose property is directly affected by a proposed change are contacted in writing. Where there is an environmental review, this is also made available for comment.
- WAPC receive public submissions over a three month period.
- WAPC considers written submissions. People who have made submissions may, if they wish, also make an oral presentation to a special committee appointed to consider and report on these submissions.
- WAPC reviews the proposed amendment in light of submissions. The amendment may be modified before proceeding.
- Re-advertising for further public submissions may be required by the Minister for Planning if the amendment is substantially modified as a result of submissions.
- Minister presents the amendment with WAPC recommendations to the Governor for approval.
- Placing of the amendment, as approved by the Governor, before each House of State Parliament, where it must remain for 12 sitting days. During this time, the amendment is again on public display with the WAPC's report on submissions.
- In Parliament, a member may introduce a motion to disallow the amendment. If this motion succeeds, the GBRS will not be amended. Otherwise, the amendment becomes legally effective in the GBRS.

The following diagram shows the main steps.



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

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

Zones and reservations

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

Zones

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

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

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

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

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

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

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

Reservations

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

Regional Open Space: to protect the natural environment, provide recreational

opportunities, safeguard important landscapes and provide for public access.

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

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

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

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

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

State Forests: to recognise State forests.

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

What if my land is rezoned?

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

If the zoning is changed, landowners do not have to change their use of the land or lifestyle. They can stay as they are or they may set about changing their land use. For instance, some may seek approval to subdivide their land or apply to develop it in some way that suits the new zoning.

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

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

What if my land is reserved?

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

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

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

How can my views be heard?

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

People writing submissions may choose also to attend a hearing. This follows the submission period, where you can express your views to a hearings panel.

Publications

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

Amendment report

This document is available from the start of the public submission period of the proposed amendment. It sets out the purpose and scope of the amendment, explains why the

proposal is considered necessary and informs people how they can comment.

Environmental review report

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

Report on Submissions

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

Submissions

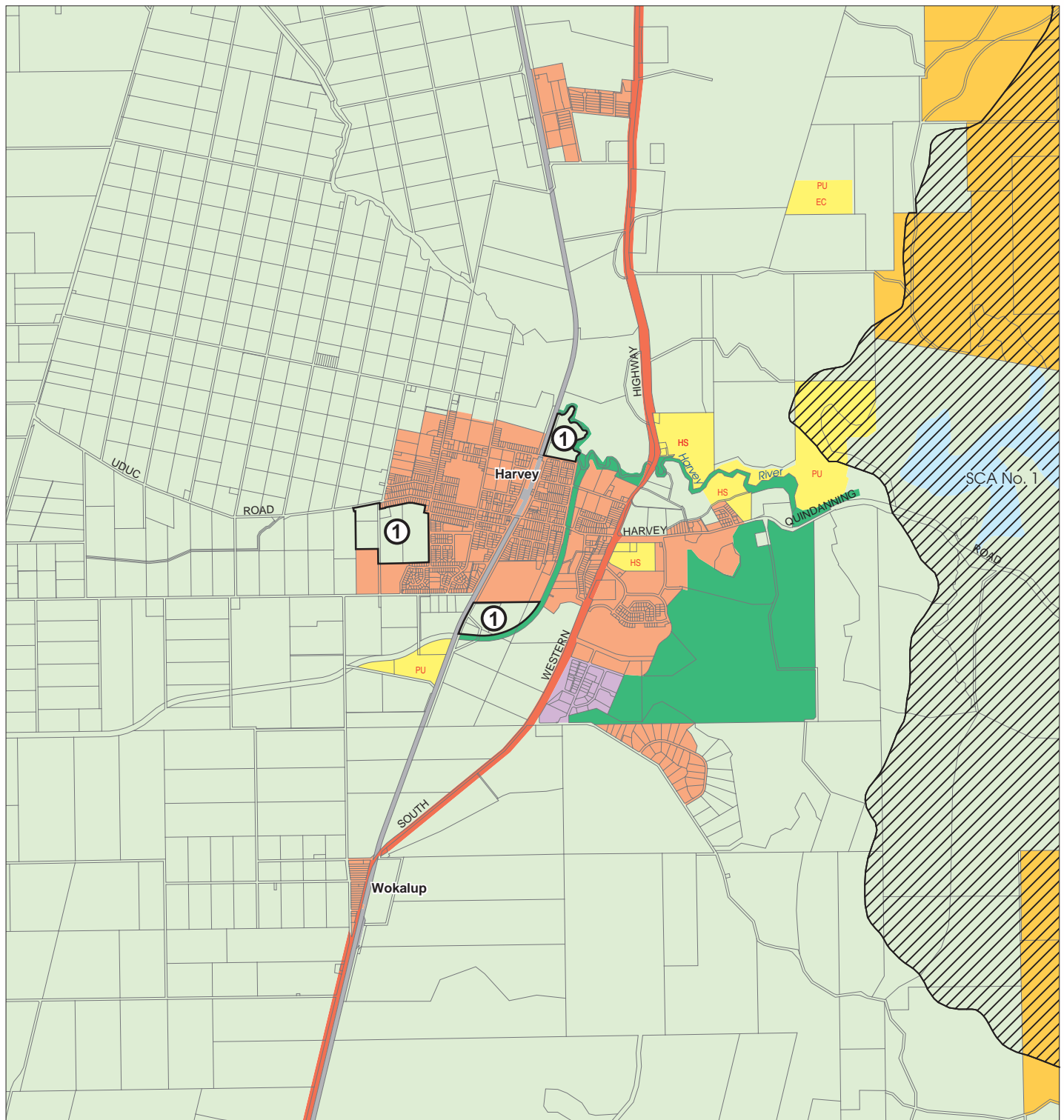
All the written submissions received on the proposed amendment are reproduced as a public record.

Transcript of Hearings

The hearings procedures are recorded and transcribed. All transcripts are published as a public record.

Abbreviations

EPA	Environmental Protection Authority
GBRS	Greater Bunbury Region Scheme
WAPC	Western Australian Planning Commission



Location of the proposed amendment to the GBR Scheme
 Lots 3, 4, 23 & 24 Fryer Road, Lot 12 Anthony Street, Lots 3 & 250 Calder Grove,
 Lot 4 Roy Street, Lots 69, 70, 74 & Pt75 Hackett Road, Pt Lot 101 Palmer Street
 and parts of Hackett Road, Calder Grove and Fryer Road

Legend

Proposal:

① rural zone to urban deferred zone

Reserved Lands

	regional open space
	railways
	state forests
	waterways
	port installations
	primary regional roads
	other regional roads

public purposes - denoted as follows :

A	airport
H	hospital
HS	high school
P	prison
PU	public utilities
SU	special uses
TS	technical school
U	university

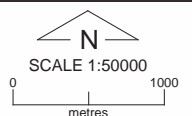
GREATER BUNBURY REGION SCHEME LEGEND

Zones

	urban
	urban deferred
	regional centre
	industrial
	rural
	private recreation

special control areas denoted as follows :

	SCA NO.1 water catchments
	SCA NO.2 Kermerton industrial zone buffer area
	SCA NO.3 Glen Iris service corridor buffer area
	EC environmental conditions



Greater Bunbury Region Scheme Amendment 0019/41

Harvey Townsite Expansion

1 Planning objective

The purpose of this amendment to the Greater Bunbury Region Scheme (GBRS) is to transfer approximately 53.30 hectares of Rural zoned land in the locality of Harvey to the Urban Deferred zone to facilitate future residential development, as shown on Figure 1 in this report. The properties included in the proposed amendment are;

- Lot 3 and 250 Calder Grove;
- Lot 4 Roy Street;
- Lot 3, 4, 23 and 24 Fryer Road;
- Lot 12 Anthony Street;
- Lot 69, 70, 74 and Part of 75 Hackett Road;
- Part Lot 101 Palmer Street,
- Parts of Hackett Road, Fryer Road and Calder Grove, and
- Parts of unnamed road reserves.

2 Background

Harvey is located approximately 40km northeast of Bunbury. Its main functions are as a residential centre and a local service centre for the surrounding agricultural and rural residential communities.

In the absence of an approved Local Planning Strategy for the Harvey townsite and in order to be pro-active in providing land for future residential development at the Harvey townsite, the Western Australian Planning Commission (WAPC) resolved to initiate the amendment to the Greater Bunbury Region Scheme.

The proposal is to rezone 53.30 hectares of various portions of land from Rural to Urban Deferred.

The various portions of land are clustered together in three pockets located to the north, south and west of the existing Harvey townsite. All the land portions are zoned Rural under the GBRS and bordering onto Urban zoned land.

The Australian Bureau of Statistics has listed the population growth of the greater Harvey townsite area as 2% or 174 people between 2008 and 2009. At an average of 2.5 people per dwelling the population growth represents a need of approximately 70 additional dwellings per annum in Harvey.

At a density of approximately 13 units per hectare (750m² per lot), the proposed additional 53.30 hectares of land will provide approximately 415 new lots.

There are roughly 102 hectares of land already zoned Urban in and around the Harvey townsite. These properties are either vacant or still used for farming purposes. At a density of approximately 13 units per hectare, the 102 hectares can provide about 775 new lots which relates to 11 years of housing supply under the current population growth.

At the current population growth rate, the proposed and existing undeveloped land in Harvey will ensure a land bank of approximately 15 to 20 years supply.

3 Discussion

The WAPC seeks to ensure that Urban zoned land exists in a wide variety of locations throughout the Greater Bunbury area, so as to encourage both affordability and variety of housing.

In considering the long term implications for a population of 150,000 in the Greater Bunbury Region the draft Greater Bunbury Strategy requires a 20-year supply of undeveloped land, comprising an ongoing land bank of at least 15 years Urban and Urban Deferred zoned land and at least a 5-year buffer of rural land identified for future urban expansion or investigation.

Regional Context

Existing Land Uses

The land subject of the amendment is currently zoned Rural and used for rural purposes and contains a number of individual dwellings and orchards. It is situated immediately north, south and west of the Harvey townsite and provides for a logical expansion of the existing townsite.

Surrounding Land Uses

The various portions of the subject land are clustered together in three pockets located to the north, south and west of the existing Harvey townsite. All the land pockets are bordering onto Urban zoned land on at least one side and Rural or Regional Open Space on the other boundaries.

Access

The town is already serviced by the existing regional road and railway networks as identified in the GBRS, providing good access to major destinations in the Greater Bunbury area and beyond.

4 Formal Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on 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 included at appendix A.

5 Scope and content of the amendment

The subject land of this Amendment is currently zoned Rural under the provisions of the GBRS and the proposed urban expansion is not a permitted use under the Rural zone. As such, an Amendment to the GBRS is required to rezone the land to the Urban Deferred zone in order to facilitate future urban expansion over the land.

Any future proposed development on the subject land will require a local scheme amendment to be considered or a structure plan to be endorsed.

The Harvey Waste Water Treatment Plant odour buffer is affecting a small portion of the southern pocket of land. This area can easily be accommodated as an open space when detail planning is conducted through the structure planning process.

The *Planning and Development Act 2005* provides for GBRS Amendments to be processed as either major or minor amendments. The proposal seeks to rezone approximately 53.30 hectares of Rural zoned land to Urban Deferred and involves a logical inclusion of land adjacent to the existing townsite, but it is a significant change in land use, and will see the population of the townsite increase significantly. Large parts of the subject land are also located adjacent to the Strategic Agricultural Resource Policy Area with some parts within the policy area buffer. There is also no endorsed townsite expansion strategy at this stage and as such it was considered appropriate for this amendment to be processed as a major amendment to the GBRS.

6 Sustainability appraisal

The rezoning of this land to the Urban Deferred zone is considered to be orderly and proper planning as the proposal is in accordance with WAPC planning policies and provides for a logical expansion of an existing townsite.

The proposal would be subject to environmental assessments and received input from other relevant agencies during the GBRS Amendment, local amendment, structure planning and subdivision stages.

Should the matter progress to consideration by the Shire of Harvey of an amendment to District Planning Scheme No. 1 (DPS No. 1), the most appropriate zone in this instance appears to be a change to Residential Development Zone which facilitates development in accordance with an adopted structure plan.

DPS No. 1 stipulates that before granting and/or recommending approval to any development within a Residential Development Zone that involves subdivision or follows subdivision, the Council shall require the submission of a Structure Plan for the whole of the zone.

7 The amendment process

The procedures for amending the GBRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed in this report is being made under the provisions of section 41 of that Act.

In essence, the procedure for a substantial alteration to the GBRS (often referred to as a major amendment) involves:

- formulation of the amendment by the WAPC;
- referral to the EPA for environmental assessment;
- completion of an environmental review (if required) to EPA instructions;
- public submissions on the proposed amendment (including environmental review if required);
- consideration of submissions (including hearings where requested);
- referral of WAPC recommendations, with or without any modifications in response to submissions, to the Minister for Planning;
- approval by the Governor;
- consideration by both Houses of Parliament, who can disallow the amendment;

- amendment takes legal effect when no longer subject to disallowance after 12 sitting days;
- where the WAPC has agreed to the parallel amendment of a local planning scheme under section 126(3) of the Planning and Development Act, the local planning scheme amendment becomes effective upon gazettal of the GBRS amendment.

An explanation of this process can also be found in the front of this report.

8 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the GBRS.

The amendment is being advertised for public submissions for a period of three months from Friday 29 July 2011 to Wednesday 26 October 2011.

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

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

Written submissions on the amendment should be sent to:

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

and **must be received by 5 pm Wednesday 26 October 2011.**

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form (form 41) is contained in appendix E. Additional copies of the form are available from the display locations and the WAPC's website www.planning.wa.gov.au.

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

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

9 Hearings

Any person making a written submission has the opportunity to personally present the basis of their submission to a sub-committee of the WAPC. Details required for attending the hearings are on side two of the submission form.

Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings will become a public document. The transcript is published and made available when the amendment is presented to both Houses of Parliament.

Before completing your submission form, please refer to the information regarding hearings in appendix D of this report.

10 Modifications to the amendment

After considering any comments received from the public and government agencies, the WAPC may make modifications to the amendment.

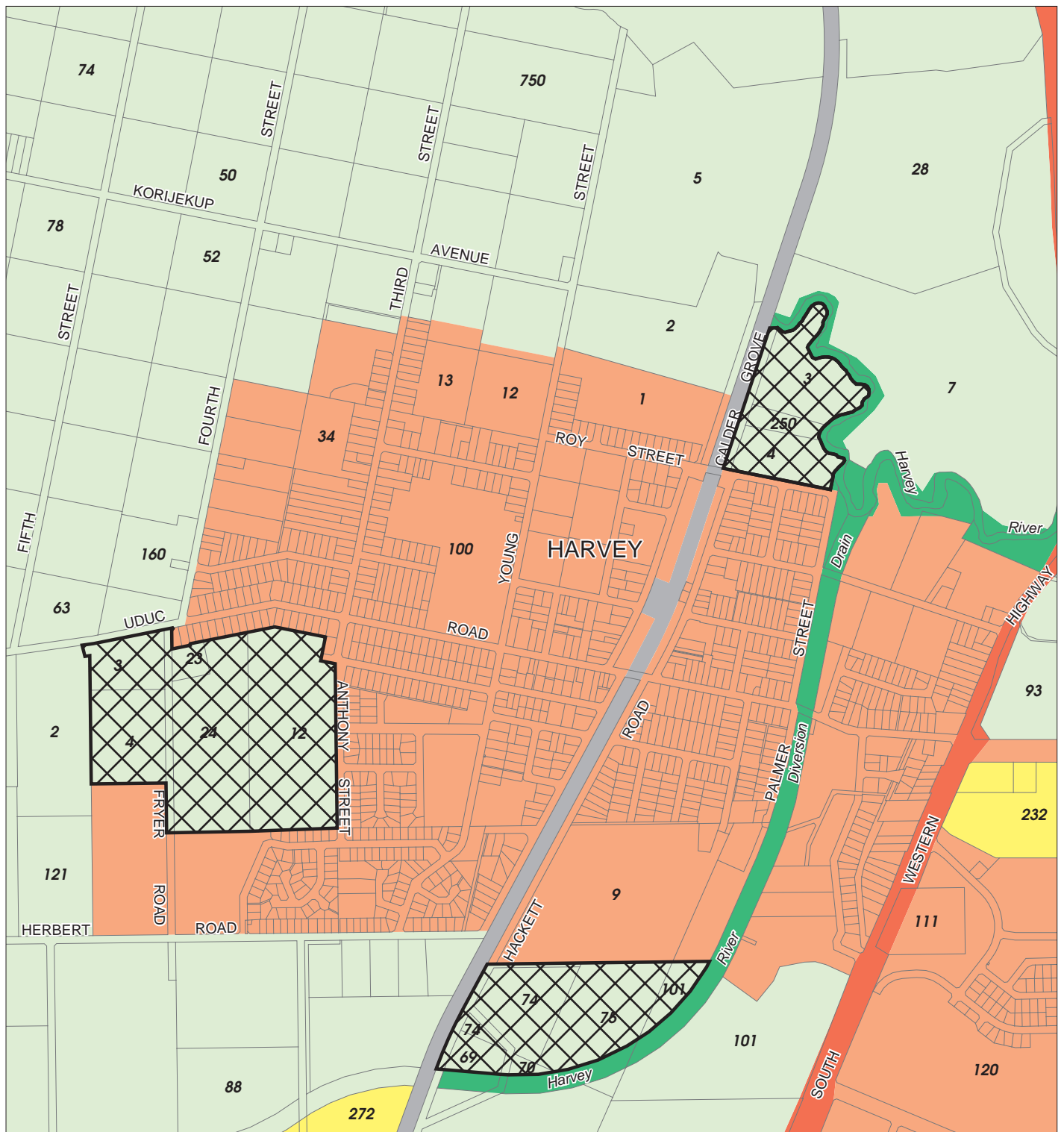
The recommendations of the WAPC, including any modifications, are published in a report on submissions. Anyone who has made a submission will receive a copy of this document when the amendment is tabled in Parliament. The report will also be available on the WAPC's website www.planning.wa.gov.au.

11 Final outcome

Following consideration by both Houses of Parliament, those who made submissions will be notified of the final outcome, along with all affected landowners.

Harvey Townsite Expansion

Figure 1

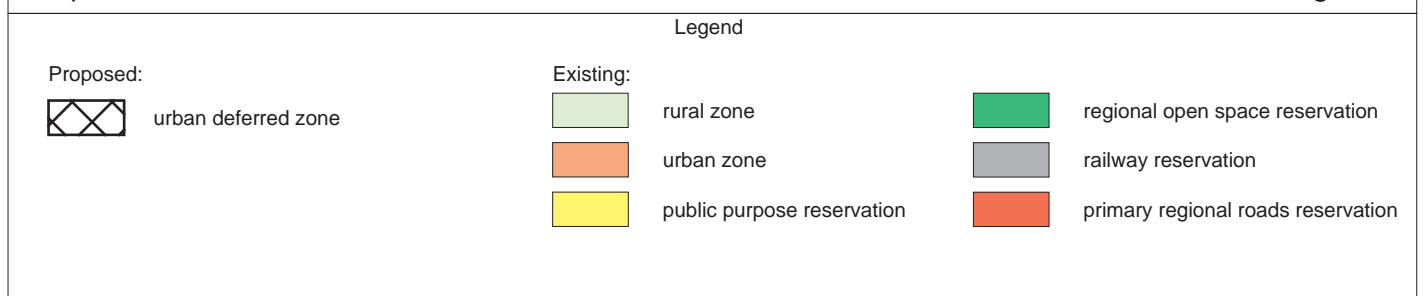


Harvey Townsite Expansion - proposed amendment

Lots 3, 4, 23 & 24 Fryer Road, Lot 12 Anthony Street, Lots 3 & 250 Calder Grove, Lot 4 Roy Street, Lots 69, 70, 74 & Pt75 Hackett Road, Pt Lot 101 Palmer Street and parts of Hackett Road, Calder Grove and Fryer Road

4 April 2011

Figure 1



Appendix A

Notice of environmental assessment



Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6467 5000.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6850.
Website: www.epa.wa.gov.au

Western Australian Planning Commission
6th Floor, 61 Victoria Street
BUNBURY WA 6230

Your Ref RLSp/0187/1
Our Ref A386183
Enquiries Stephen Pavey
Phone 6467 5425

Attn: Ben Muller

ID	291476839
DEPARTMENT OF PLANNING BUNBURY OFFICE	
22 JUN 2011	
FILE	RLS/0187

Dear Sir/Madam

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

DC

SCHEME AMENDMENT TITLE: Greater Bunbury Region Scheme
Amendment 0019/41 - Harvey Townsite
Expansion

LOCALITY: Shire of Harvey

RESPONSIBLE AUTHORITY: Western Australian Planning Commission

DECISION: Scheme Amendment Not Assessed -
Advice Given (no appeals)

Thank you for your letter of 6 April 2011 referring the above proposed scheme amendment.

After consideration of the information provided by you, the Environmental Protection Authority (EPA) considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the following advice and recommendations.

ADVICE AND RECOMMENDATIONS

1. Environmental Issues not yet assessed

Without limiting the EPA's discretion under section 5(e) of the EP Act to require the referral of proposals arising from the scheme amendment and your discretion, as the responsible authority, under section 48I of the EP Act to refer proposals arising from the scheme amendment, the EPA advises that the following environmental issues are not yet assessed:

- Hydrology
- Flora & Fauna

2. Advice and recommendations regarding Environmental Issues not yet assessed

Sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation of the scheme amendment. Accordingly, the EPA recommends further consideration of the need to assess proposals arising from the scheme amendment when more information is available, for example, subsequent rezoning, preparation of a Structure Plan, preparation of an Outline Development Plan, Subdivision or development.

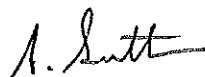
Specifically, it should be noted that:

- A District Water Management Strategy will be required at the District Planning Scheme amendment stage, and a Local Water Management Strategy will be required at the Structure Plan stage. Both of these strategies will require Department of Water (DoW) endorsement;
- A Foreshore Management Plan (FMP) will be required at the Structure Plan stage. The FMP will be for the parcel of land that abuts the Harvey River and is to be accurately identified through a biophysical type assessment consistent with the EPA's *Guidance Statement 33* and *DoW Foreshore Policy 1*. This will need to include Regional Open Space areas;
- All land within the amendment is identified as Multiple Use category wetlands (Swan Coastal Plain) and that this indicates a high water table; and
- Stormwater and removal of the existing orchard that abuts the Harvey River will require careful management in order to protect water quality of the Harvey River.

3. General Advice

- For the purposes of Part IV of the EP Act, the scheme amendment is defined as an assessed scheme amendment. In relation to the implementation of the scheme amendment, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision on the level of assessment of scheme amendments.
- A copy of this advice will be sent to relevant authorities and made available to the public on request.

Yours faithfully



Anthony Sutton
Director
Assessment and Compliance Division

20 June 2011

Appendix B

List of detail plans supporting
the amendment

Harvey Townsite Expansion
Proposed major amendment
Amendment 0019/41
as advertised
3.2403

Detail plans

N/A

Appendix C

Your Property and the Greater Bunbury Region Scheme

Your Property and the Greater Bunbury Region Scheme

Landowners rights to compensation in relation to reserved land

If land is reserved in the Greater Bunbury Region Scheme

Land which is affected by a reservation in the Greater Bunbury Region Scheme (GBRS) will ultimately be acquired by the government, but generally can remain in private ownership until it is actually needed for the public purpose.

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

- Retain ownership and continue with the quiet enjoyment of the property until it is needed for the public purpose. You may complete any development or subdivision of the property that was approved prior to the reservation coming into effect.
- Sell the property on the open market to another person(s). The Western Australian Planning Commission (WAPC) recognises that due to the reservation this may be difficult and, subject to acquisition priorities and the availability of funds, would be willing to consider the purchase of a reserved property if an owner is unable to achieve a private sale on the open market.
- Offer the property for sale to the WAPC. Subject to acquisition priorities and the availability of funds, the WAPC would be willing to consider the early acquisition of a reserved property. In such cases the property is purchased at the current market value had the property not been affected by the reservation, with the value being determined by independent valuations of the property.
- Make a claim for compensation for injurious affection following the WAPC's refusal of a development application or approval of a development application subject to conditions that are unacceptable to the applicant. In such cases the WAPC may elect to purchase the property instead of paying compensation with the purchase price being determined in the same way as a negotiated purchase.

Am I entitled to compensation?

If your land is reserved in the GBRS, you may be able to make a claim for compensation for injurious affection if:

- you are the owner of the property when it is first reserved in the GBRS and you wish to sell the property on the open market at a reduced price;

or

- the WAPC has either refused a development application over the property or has approved a development application over the property subject to conditions that are unacceptable to the applicant.

How do I claim compensation?

1 If you have chosen to sell the property on the open market at a reduced price, complete a notice of intention to sell form which is available from the Department of Planning. The department will establish the extent of the reservation and forward the notice to the Board of Valuers.

The Board of Valuers will determine the sworn unaffected and affected values of the property. You may wish to meet with the board to raise any matters you believe are relevant to the value of the property.

Following the determination by the board:

- You will be notified of the unaffected value of the property.
- You pay a valuation fee to the WAPC, after which you will be notified of the affected value of the property - this will represent the minimum sale price.
- You then arrange the sale of the property (either privately or through an agent). Note the sale price must not be less than the affected value determined by the board.

- When the property is sold, you may make a claim for compensation for injurious affection for the difference between the sale price and the unaffected value as determined by the board.
- If the property does not sell within one year of the board's valuation, you may ask the board for a revaluation of the property. The sale process is then repeated.
- Once compensation has been paid, a caveat will be lodged on the certificate of title to identify that compensation has been paid. Please note that compensation is only payable once.

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

2 If the WAPC has refused your development application or approved it subject to unacceptable conditions **and** the property is reserved in the GBRS, you may make a claim for compensation for injurious affection within six months of the WAPC's decision on the application.

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

If the WAPC elects to purchase the property, valuations are obtained for the market value of the property as at the date of the election to purchase had the property not been reserved in the GBRS. Please note that the date of valuation is fixed at the date of election to purchase.

What is compulsory acquisition?

A situation may arise where a property is needed as a priority for a public purpose and the owner is unwilling to sell the property to the WAPC.

In such a case, the property may be compulsorily acquired (or resumed) for that public purpose.

Where a property has been resumed by the WAPC, you have the right to make a claim for compensation in respect of the land resumed.

The WAPC will have the resumed land valued and following the checking of the compensation claim will make you an offer of compensation for the resumed land.

Should you have any queries concerning the matters raised in this brochure, please do not hesitate to contact the Department of Planning, WAPC Property Management Services.

Appendix D

Preparing a submission and
for a hearing presentation

Preparing a submission and for a hearing presentation

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

What is a submission?

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

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

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

What should I say?

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

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

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

Before lodging your submission

Please remember to complete the submission form (Form 41 – Appendix E). Include your name and full postal address on side one and information related to the hearings on side two. It is preferred that any attachments be loose rather than bound.

The closing date for submissions and where they should be lodged is shown on Form 41 and in the submissions on the amendment section of the amendment report. To be eligible to make a presentation to the hearing committee, your written submission must be received by the closing date.

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

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and will become a public document. Presentations made to the hearings committee are an extension of the submission process and the transcript of all hearings also becomes a public document.

Do you want a hearing?

The *Planning and Development Act 2005* provides the opportunity for people who have made a written submission 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 your submission will be considered in determining the recommendation for the proposed amendment.

Hearings are arranged so that the WAPC can listen to a person, should they wish to explain or expand on their written submission. A hearing is for listening to points of view and planning rationale, it is not a forum of general public debate. In the case of a group, a spokesperson must be appointed to represent the group. The time allocated for a hearing is usually 15 minutes, which includes time for questions the committee may have of the presenter.

The hearings committee is appointed by the WAPC and is usually comprised of two WAPC committee members and one other person with planning knowledge and expertise related to issues raised in submissions.

You may choose to have your presentation conducted in public or private. A public hearing allows other persons, including the media, to attend. In a private hearing only those persons nominated by you and by the hearings committee may attend.

All hearings, public and private, are recorded and transcribed. The transcripts, along with the written submissions, are published as public records. The WAPC recommendations are also published in a report on submissions.

Appendix E

Submission form for this amendment
(Form 41)

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 E.

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 Hearings Panel is NOT a decision making body. Information presented at the hearings will be forwarded to the WAPC for consideration in determining the recommendation for the proposed amendment.**
- 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

Note: Submissions MUST be received by the advertised closing date, being close of business (5pm) on 26 October 2011. Late submissions will NOT be considered.