

**WESTERN AUSTRALIAN PLANNING COMMISSION**

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**PEEL REGION SCHEME  
Amendment No. 002/33A  
(Minor Amendment)**

**GENERAL OMNIBUS (No.1)**

---

City of Mandurah and the Shires of Murray and Waroona

**AMENDMENT REPORT**

April 2004

PERTH  
WESTERN AUSTRALIA



Government of  
**Western  
Australia**



WESTERN AUSTRALIAN  
PLANNING COMMISSION

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# THE PEEL REGION SCHEME

## What it is and how it is amended

### PLANNING FOR THE PEEL REGION

The Peel Region enjoys features which make it a very attractive place in which to live, and for recreation and tourist activities. With the increasing population of Western Australia, the region is rapidly growing. As it grows, change must be planned and managed to provide an effective land use structure, to preserve the natural features of the region and make provision for important regional infrastructure.

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 purpose of the Peel Region Scheme is to provide for balanced change in land use and to provide mechanisms which allow the acquisition of land for regional public purposes and the means by which affected landowners can be compensated.

### WHAT IS THE PEEL REGION SCHEME?

The Peel Region Scheme (PRS) is a large town planning scheme which guides land use in the Peel Region. This area stretches from Singleton and Keysbrook in the north to Wagerup in the south, and eastwards well beyond the Darling Scarp.

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

The PRS 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 their respective colours and patterns.

This plan has been in operation since March 2003 and provides the legal basis for planning in the Peel Region.

To plan for changing needs, the PRS needs to be amended from time to time.

### WHAT IS AN AMENDMENT?

An amendment to the PRS 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 PRS is advertised to seek comment from the wider community and all levels of government.

The process allows for extensive community consultation to review the proposal before a final decision is made.

### HOW THE PEEL REGION SCHEME IS AMENDED - THE PROCESS FOR MINOR AMENDMENTS

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

The amendment process is regulated by the *Western Australian Planning Commission Act 1985* as read in conjunction with the *Metropolitan Region Town Planning Scheme Act 1959*. The amendment proposed in this report is being made under the process set out in Section 33A of the latter Act. Such amendments are often referred to as 'minor' amendments.

The process of a 'minor' amendment to the PRS includes the following steps:

- The proposed amendment is referred to the Environmental Protection Authority (EPA) to decide whether environmental assessment is needed.

Where the EPA requires an environmental review, this is carried out before the amendment is advertised.

- The amendment (and environmental review where required) is advertised for public inspection, inviting submissions. Advertisements are placed in local and statewide newspapers, and information is made available on the WAPC's internet site.

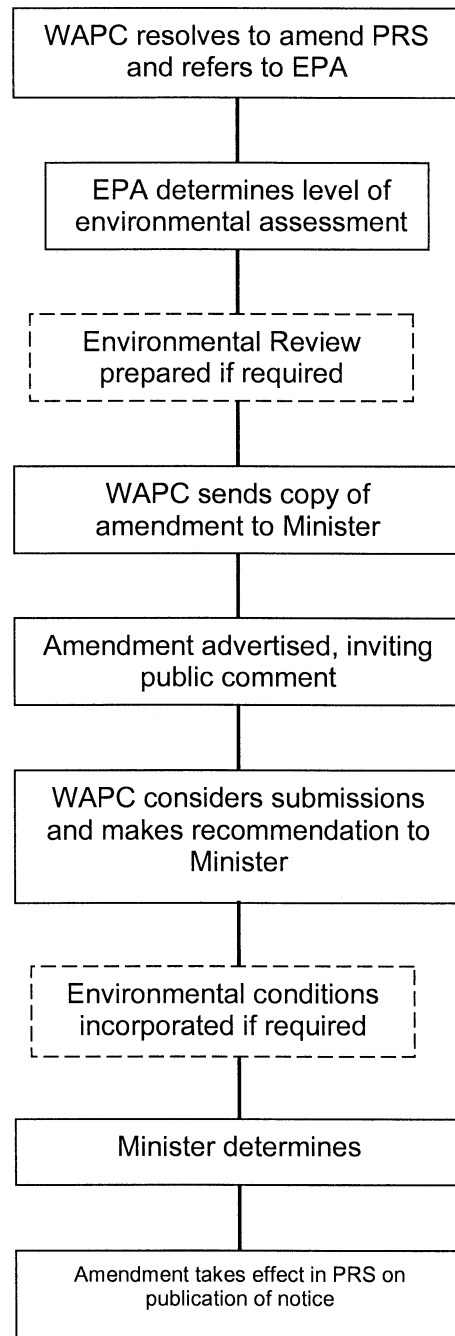
Landowners whose property is directly affected by a proposed change are contacted in writing.

- A 60 day period is provided for written submissions on the amendment to be received by the WAPC.
- As soon as practicable, after the end of the public comment period, the WAPC considers all submissions and recommends whether to modify the amendment or proceed with the original proposal. The WAPC's report and recommendation are presented to the Minister for consideration.
- If the Minister approves an amendment, it becomes a legally effective part of the Scheme upon the publishing of a notice advising of the Minister's approval. The approved amendment is placed on public display.

When the PRS is amended, local town planning schemes within the Scheme Area must also be amended to match the broad zonings and reservations of the PRS. Local town planning schemes provide more-detailed planning for their respective areas.

Within three months of a PRS amendment, any local government must initiate an amendment to its town planning scheme.

The following diagram shows the main steps.



## ZONES AND RESERVATIONS

Zones and reservations in the PRS are broad categories. They are not precisely defined or limited. The following descriptions are a guide.

## ZONES

**Urban:** Areas in which a range of activities can be undertaken, including residential, commercial, recreation and light industry

**Urban deferred:** Land identified for future urban uses following the extension of urban services, the progressive development of adjacent urban areas, and resolution of any environmental and planning requirements relating to development.

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

**Regional Centre:** Strategic regional centres for major retail, commercial and office facilities as well as employment, civic, business and residential uses.

**Industrial:** Land in which manufacturing, processing, warehousing and related activities are undertaken.

**Rural:** Land in which a range of agricultural, extractive and conservation uses are undertaken.

**Private Recreation:** Areas of significance to the region's recreation resource, which are, or are proposed to be managed by the private sector.

## RESERVATIONS

Land is reserved for community purposes. It may be reserved to protect a resource or to provide areas for infrastructure. The following descriptions are a guide.

**Regional Open Space:** Land of regional significance for ecological, recreation or landscape purposes.

**Railways:** Provides for public transit routes, freight rail lines and associated facilities such as marshalling yards, maintenance depots and park-and-ride stations.

**State Forests:** Areas of woodland located on Crown land managed under the *Conservation and Land Management Act 1984*.

**Waterways:** Permanent inland and coastal waters including any substantial rivers and reservoirs.

**Primary Regional Roads:** These are the most important of the roads with regional significance in the planned road network, and which are currently, or proposed to be declared under the *Main Roads Act 1930*.

**Other Regional Roads:** These are roads with regional significance in the planned road network for which the planning responsibilities are shared by the WAPC and local governments.

**Public Purposes:** Land for public facilities such as hospitals, schools, universities, utilities for electricity, water and treatment of wastewater, Commonwealth government and other special uses.

## SPECIAL CONTROL AREAS

**SCA No. 1 - Water Catchments:** Water sources protected for high quality public water supply. These areas have strict controls on land use to avoid harm to the water resource.

## WHAT IF MY LAND IS REZONED?

Landowners may find that an amendment seeks to rezone their property, for example from Rural to Urban, or to 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 in keeping with the new zoning. For instance, some may seek approval to subdivide their land, or apply to develop it in some way that is consistent with the new zoning.

The WAPC realises 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 PRS are advertised so that all affected landowners, and anyone else, will have time to examine the proposals and lodge a submission if they choose.

### **WHAT IF MY LAND IS RESERVED?**

Land is reserved because it will be needed in due course for a public purpose such as Regional Open Space or Other Regional Roads.

If your land is marked for 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. Regional planning schemes include reservations over many areas of land which are privately owned.

To protect landowners, there are procedures relating to the acquisition of land or compensation by the WAPC. These are outlined in the brochure *Your Property and the Peel Region Scheme* which is reproduced at the back of this report and available separately from the Department for Planning and Infrastructure.

### **HOW CAN MY VIEWS BE HEARD?**

You can lodge a written submission on the proposed amendment during the advertising period. A submission form is included at the back of this publication, from the places of display for this amendment and from the WAPC's internet site.

### **PUBLICATIONS**

Amendments made to the PRS using the provisions of section 33A will, in most cases, contain information published under the following titles:

#### **Amendment Report**

This document is available from the start of the public advertising period for the proposed PRS 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 PRS before advertising takes place. Should the EPA require assessment an Environmental Review is undertaken, and that information is made available for comment along with the *Amendment Report*.

#### **Volume 1 - Report on Submissions**

This publication is the response of the WAPC to issues raised in submissions. The WAPC's report is forwarded to the Minister for consideration when the amendment is considered for approval.

#### **Volume 2 - Submissions**

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

#### **Volume 3 - Transcript of Hearings**

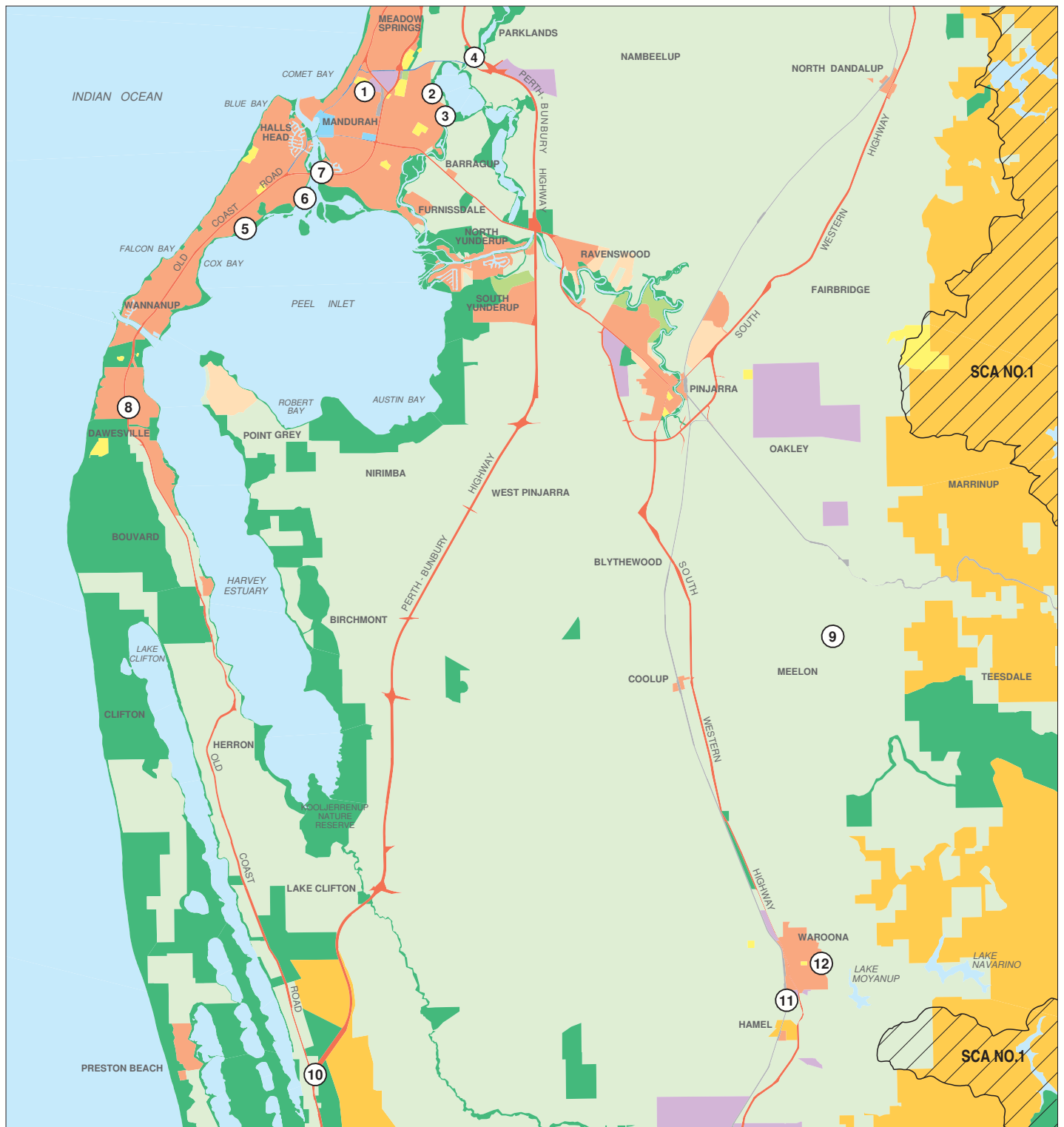
There is no statutory requirement for 'hearings' to be conducted for Section 33A ('minor') amendments. The WAPC may however, where it sees fit, incorporate hearings into the process.

In these cases, a person who has made a written submission may also choose to appear before a Hearings Committee to express their views. All hearings are recorded and transcribed and, unless the party making the submission requests a private hearing, all transcripts are published as a public record.

## **ABBREVIATIONS**

<b>DoE</b>	Department of Environment
<b>EPA</b>	Environmental Protection Authority
<b>PRS</b>	Peel Region Scheme
<b>WAPC</b>	Western Australian Planning Commission





## LOCALITY PLAN FOR PEEL REGION SCHEME PROPOSED OMNIBUS AMENDMENT No.1

### LEGEND

#### RESERVED LANDS

- REGIONAL OPEN SPACE
- RAILWAYS
- STATE FORESTS
- WATERWAYS

#### ROADS :

- PRIMARY REGIONAL ROADS
- OTHER REGIONAL ROADS

- PUBLIC PURPOSES - DENOTED AS FOLLOWS :

- H HOSPITAL
- HS HIGH SCHOOL
- PU PUBLIC UTILITIES
- SU SPECIAL USES
- U UNIVERSITY

#### ZONES

- URBAN
- URBAN DEFERRED
- REGIONAL CENTRE
- INDUSTRIAL
- RURAL
- PRIVATE RECREATION

- SPECIAL CONTROL AREAS DENOTED AS FOLLOWS :

- SCA NO.1 WATER CATCHMENTS
- 12 AMENDMENT PROPOSAL NO.

## AMENDMENT No. 002/33A TO THE PEEL REGION SCHEME

### GENERAL OMNIBUS (NO. 1)

#### 1. PURPOSE

The purpose of this amendment is to incorporate minor changes to the zones and reservations of the Peel Region Scheme (PRS). These changes arise primarily from the need for minor refinements to the Scheme Map following its introduction in March 2003 and generally to ensure the Scheme is kept up to date as the statutory regional planning scheme for the Peel region.

The amendment contains twelve separate proposals in the local government areas of Mandurah, Murray and Waroona.

#### 2. 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 overall environmental impact of the amendment would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, 1986. A copy of the letter conveying the EPA decision is included at Appendix A.

#### 3. SCOPE AND CONTENT OF THE AMENDMENT

The amendment proposes the following changes to the zones and reservations in Peel Region Scheme :

##### **PROPOSAL 1** (Figure 1)

##### **Portion of Lot 26 Park Road, Mandurah from the Public Purposes - High School reservation to the Industrial zone.**

(City of Mandurah)

The proposal is to transfer an 8 metre wide strip of land from the Public Purposes - High School reservation to the Industrial zone. This reflects an approved boundary adjustment between Lot 26, which forms part of the Mandurah High School site, and the neighbouring property, Lot 78 Park Road, Mandurah. The small strip of land was surplus to the high school requirements.

## **PROPOSAL 2 (Figure 2)**

### **Portions of Lot 12 Balwina Road, Greenfields from the Rural zone to the Urban zone.** (City of Mandurah)

A portion of Lot 12 already falls within the Urban zone but this does not meet the 4,000m<sup>2</sup> minimum lot size required under the R2.5 density coding which applies to the land under the local government planning scheme. In order to make this consistent with the density coding, a 5.3 metre wide strip of land will need to be transferred from the Rural to the Urban zone. This strip of land is unused former pastoral land. The change will not lead to any increase in development.

## **PROPOSAL 3 (Figure 3)**

### **Reserve 43839 Koolyanga Place, Greenfields from the Urban zone to the Regional Open Space reservation.** (City of Mandurah)

Reserve 43839 is a 7,678m<sup>2</sup> Crown reserve which has been vested for recreation purposes. It has been cleared of native understorey and contains native trees in limited numbers. This reserve is limited to more-passive forms of recreation due to its restricted size and because it is separated from the Koolyanga recreation reserve by a constructed road. It directly abuts the Goegrup Lake reserve and forms a contiguous part of the lake fringes. Its inclusion within the Regional Open Space reservation would be consistent with the principle of accommodating appropriate recreation needs within the Peel Regional Park and may also provide an opportunity to rehabilitate portions of the reserve closer to the lake.

## **PROPOSAL 4 (Figure 4)**

### **Portions of Pt Cockburn Sound Location 16 Fowler Road, Stake Hill from the Rural zone to the Regional Open Space reservation.** (Shire of Murray)

This property comprises land on both sides of the Serpentine River and a section of the river itself. Most of the land within the holding falls within the Regional Open Space reservation or the Primary Regional Roads reservation for the Perth-Bunbury Highway (Peel Deviation). The Western Australian Planning Commission has recently purchased the property to allow the respective parts to be included in the Peel Regional Park and the highway reserve.

A 2,500m<sup>2</sup> portion of the property is separated from the main holding by the reservation for the future highway. It is proposed to include this within the Regional Open Space reservation as it is contiguous with the foreshore area north of the highway reserve and contains remnant vegetation.

A 2.8 hectare portion of the property, located adjacent to the Lakes Road and Fowler Road frontages of the property, exceeds the area first identified for river and foreshore protection. This area includes some land which falls within the floodway of the Serpentine River. Its inclusion within the Regional Open Space reservation will provide a range of benefits. These include consolidation of the recreation, landscape and environmental benefits made possible by the existing reservation. Reservation will also allow better accessibility, clear definition of the public domain and improved management of the foreshore.

#### **PROPOSAL 5 (Figure 5)**

##### **Crown Reserve 43690 Silvertown Crescent, Erskine from the Urban zone to the Regional Open Space reservation.**

(City of Mandurah)

Reserve 43690 is vested in the National Parks and Nature Conservation Authority as a conservation park. It contains remnant vegetation and a wetland, both in sound condition and forms a contiguous part of the Peel Inlet foreshore area. This section of foreshore, including Reserve 43690, has recently been declared the Len Howard Conservation Park. Its inclusion within the Regional Open Space reservation is consistent with its environmental values and status as part of a declared nature conservation area.

#### **PROPOSAL 6 (Figure 6)**

##### **Portion of Sirocco Drive, Halls Head from the Regional Open Space reservation to the Urban zone.**

(City of Mandurah)

This land forms part of the road reserve for a neighbourhood road, Sirocco Drive, and contains a constructed road carriageway. The Regional Open Space reservation which applies to the land is inconsistent with this function. The proposal is to correct the anomaly by including this section of road reserve within the Urban zone, consistent with the cadastral boundaries.

#### **PROPOSAL 7 (Figure 7)**

##### **Lots 3 and 419 and Reserve 41391 Waterside Drive, Dudley Park from the Urban zone to the Regional Open Space reservation.**

(City of Mandurah)

Lot 3 Waterside Drive has an area of 1,062m<sup>2</sup> and was created to maintain the option of extending a road connection, beneath the Mandurah Estuary Bridge, to the Mariners Cove development in Dudley Park. The road connection is no longer required and the land is in private ownership. It would now be appropriate for the land to be included in the Regional Open Space reservation as the land forms a contiguous part of the foreshore adjacent to the Peel Inlet entrance channel. Reserve 41391 and Lot 419 are also contiguous with the foreshore area, and therefore, their inclusion in the Regional Open Space reservation is also appropriate.

#### **PROPOSAL 8 (Figure 8)**

##### **Portions of Dawesville Road and Dawesville Road West, Dawesville from the Urban zone to the Primary Regional Road reservation.**

(City of Mandurah)

For road safety purposes, two segments of land abutting Old Coast Road (Dawesville Deviation) have been purchased by Main Roads Western Australia and intersection improvements have been completed. The portion of land on the eastern side of the highway provides for realignment of Dawesville Road, to form a "staggered-T-intersection". The portion on the western side of the highway provides for safe access to, and egress from Old Coast Road.

The amendment provides for the respective intersections to be included within the Primary Regional Roads reservation, consistent with their functions.

#### **PROPOSAL 9** (Figure 9)

**Crown Reserve 6268 corner Burnside Road and Valley View Road, Meelon from the Rural zone to the Regional Open Space reservation.**

(Shire of Murray)

Reserve 6268 has an area of 13.45 ha and is reserved for the conservation of flora and fauna. It contains remnant vegetation which has increased significance due to the extent of land clearing on the eastern side of the coastal plain, and contains a floristic community identified as a Threatened Ecological Community. The proposal is to include the land within the Regional Open Space reservation.

#### **PROPOSAL 10** (Figure 10)

**Portions of Part Wellington Location 57 Old Coast Road, Lake Clifton from the Primary Regional Roads reservation to the Rural zone, and portions of the same property from the Rural zone to the Primary Regional Roads reservation.**

(Shire of Waroona)

The Primary Regional Roads reservation for the Perth-Bunbury Highway (Peel Deviation) intersects with the equivalent reservation for Old Coast Road within the current boundaries of Pt Loc 57. Minor refinement of the reservation boundaries is proposed, with the majority of the change being to exclude land from the reservation for inclusion within the Rural zone.

#### **PROPOSAL 11** (Figure 11)

**Lots 4 and 6 on Diagram 26812, south of Waroona, from the Rural zone to the Railways reservation.**

(Shire of Waroona)

Lots 4 and 6 have areas of 682m<sup>2</sup> and 3,743m<sup>2</sup> respectively. Both lots are freehold Crown land which effectively form part of the Claisebrook-Bunbury railway corridor. Both have been formally included as part of the rail corridor by virtue of *Rail Freight System (Corridor Land) Rectification Order 2002*. It is proposed to include both lots within the Railways reservation, consistent with their function and the tenure of the railway corridor.

#### **PROPOSAL 12** (Figure 12)

**Portions of Lots 205 - 208 and 1704 Lyons Road and portion of Lot 544 Elliot Street, Waroona from the Urban zone to the Rural zone.**

(Shire of Waroona)

Currently the Scheme Map contains a minor anomaly insofar as small segments of the abovementioned six lots fall within the Urban zone notwithstanding that the most appropriate use of the land comprising each lot is rural, rural residential or related purposes. The proposal is to include these small segments of land within the Rural zone, consistent with their intended use and the cadastral boundaries.

#### **4. SUSTAINABILITY APPRAISAL**

The Amendment contains five proposals to include further land within the Regional Open Space reservation. These proposals take in land on the foreshores of the Serpentine River and Peel Inlet as well as remnant vegetation on the eastern coastal plain. These will contribute to improved protection of the environment. Other aspects of the Amendment are minor changes which have no particular effect in terms of sustainability considerations.

#### **5. IMPLEMENTATION**

The proposed amendment will bring about the need to make alterations to the respective local government town planning schemes to reflect the changes to zones and reservations.

In addition, the following implementation provisions will apply :

- Proposals 1 and 2 will involve the completion of subdivisions.
- Four of the five proposals to include further land within the Regional Open Space reservation (3, 4, 5 and 7) will result in the inclusion of the same land within the study area of the proposed Peel Regional Park Plan. The land will therefore be subject to its recommendations.
- Proposals 6, 8, 9, 11 and 12 require no specific actions for implementation.
- Proposal 10 is a small portion of the overall Perth-Bunbury Highway (Peel Deviation). As part of the highway corridor, it will be the subject of negotiations and, in due course, completion of land acquisition procedures and subsequently, construction of the highway.

#### **6. THE AMENDMENT PROCESS**

The procedures for amending the Peel Region Scheme are prescribed by the *Western Australian Planning Commission Act 1985* as read in conjunction with the *Town Planning and Development Act 1928* and *Metropolitan Region Town Planning Scheme Act 1959*.

Section 33A of the *Metropolitan Region Town Planning Scheme Act* sets out the main elements of the procedure for amendments which do not constitute substantial alteration to the Scheme. In essence, this process 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 being sought on the proposed amendment (including Environmental review if required);
- consideration of submissions;
- approval, with or without with any modifications in response to submissions, or decline to approve by the Minister; and
- Gazettal of the approved amendment to give it effect in the Scheme.

## **7. SUBMISSIONS ON THE AMENDMENT**

The Amendment will be advertised for public submissions for 60 days from the date of gazettal, being 2 April 2004.

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

- the Peel Region Office of the Department for Planning and Infrastructure;
- the Perth Office (Wellington St.) of the Department for Planning and Infrastructure;
- the offices of the City of Mandurah and the Shires of Murray and Waroona; and
- the State Reference Library.

Written submissions or comments on the Amendment should be sent to:

Secretary  
Western Australian Planning Commission  
Unit 2B, 11-13 Pinjarra Road  
MANDURAH WA 6208

Submission forms for this Amendment No. 002/33A – General Omnibus (No.1) are available from the places of display above. For your convenience a submission form is also attached in the back of this report.

Submissions must be received by close of business (5.00 pm) Wednesday, 2 June 2004.

## **8. HEARINGS**

While there is no statutory requirement to conduct 'hearings' for a Section 33A (minor) amendment, there is the intention to do so. Any person objecting to the proposals will also have the opportunity to personally present the basis of their submission to a committee appointed by the Western Australian Planning Commission. Details required for attending the hearings are on side two of the submission form.

The submissions and the transcripts of public hearings will become public documents. These will be published and will be made available free of charge at the conclusion of the amendment.

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

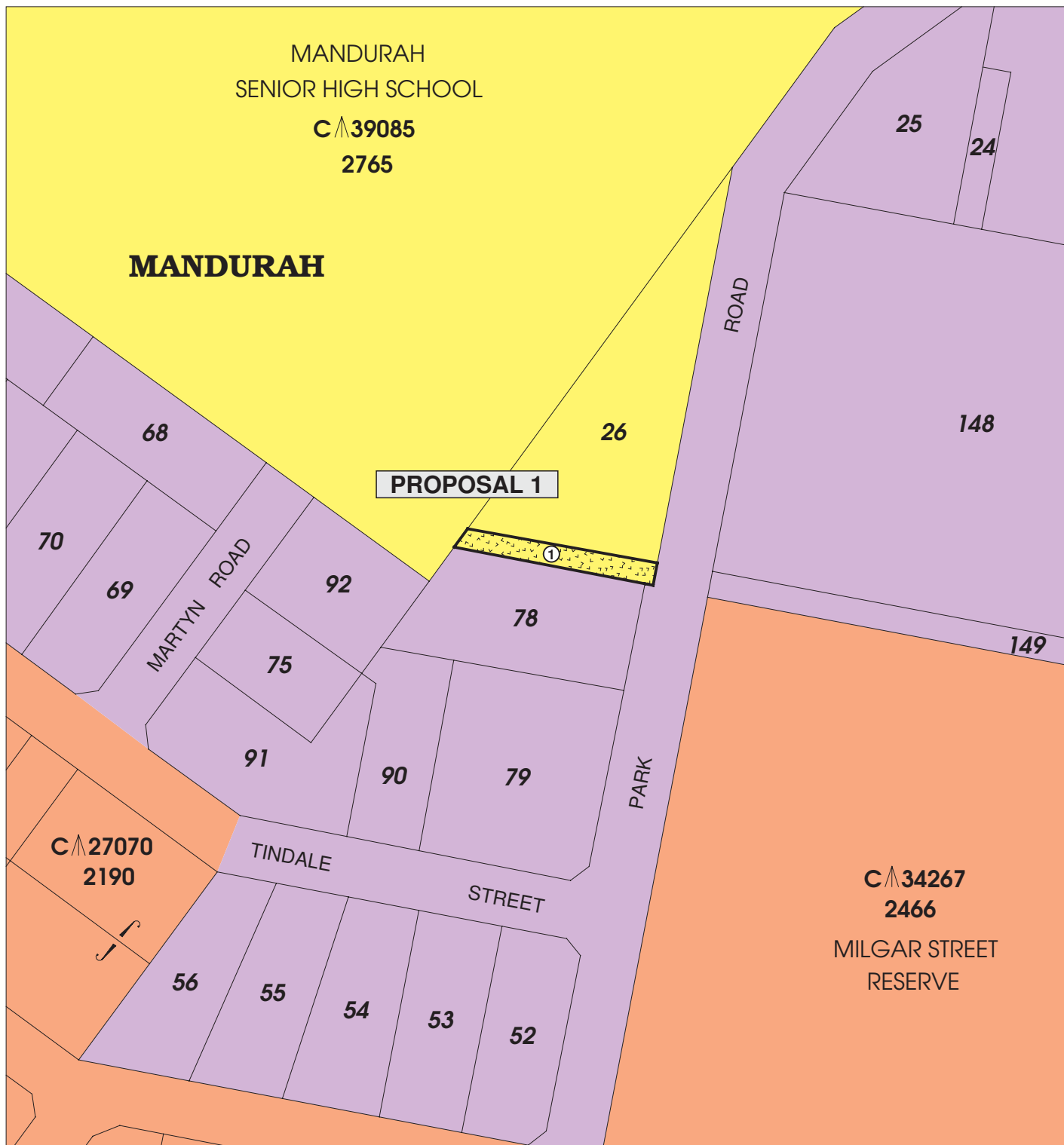
After considering any comments received from Government agencies and the public, the Western Australian Planning Commission may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

## **10. FINAL OUTCOME**

People who have made submissions, along with all affected landowners will be notified of the final outcome.

**FIGURES 1 - 12**





**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)**  
**AS ADVERTISED**

17th OCTOBER 2003

FIGURE 1

**PROPOSED:**



**INDUSTRIAL ZONE**

**LEGEND**

**EXISTING:**



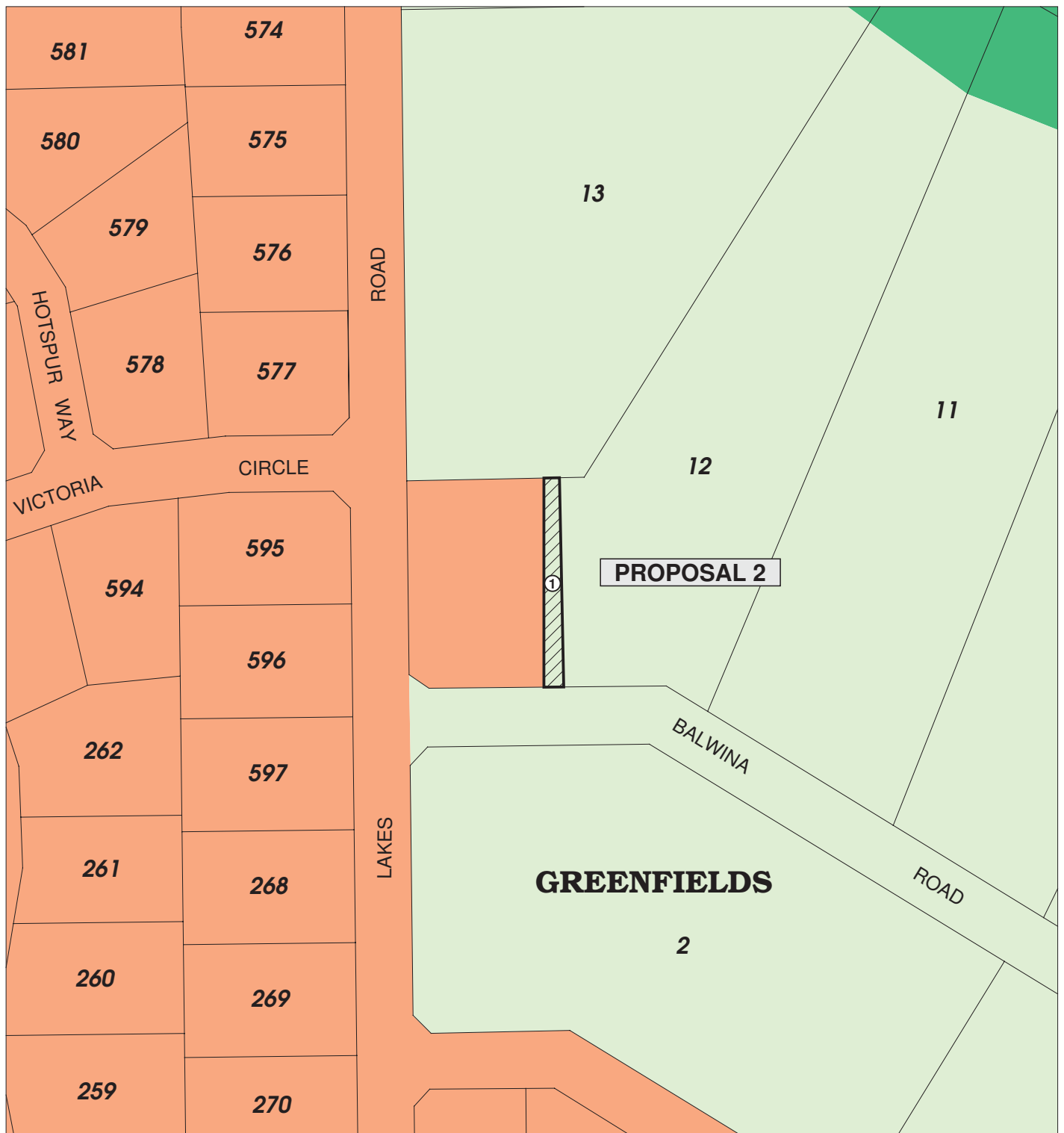
**INDUSTRIAL ZONE**



**URBAN ZONE**



**PUBLIC PURPOSES RESERVATION**



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003




FIGURE 2

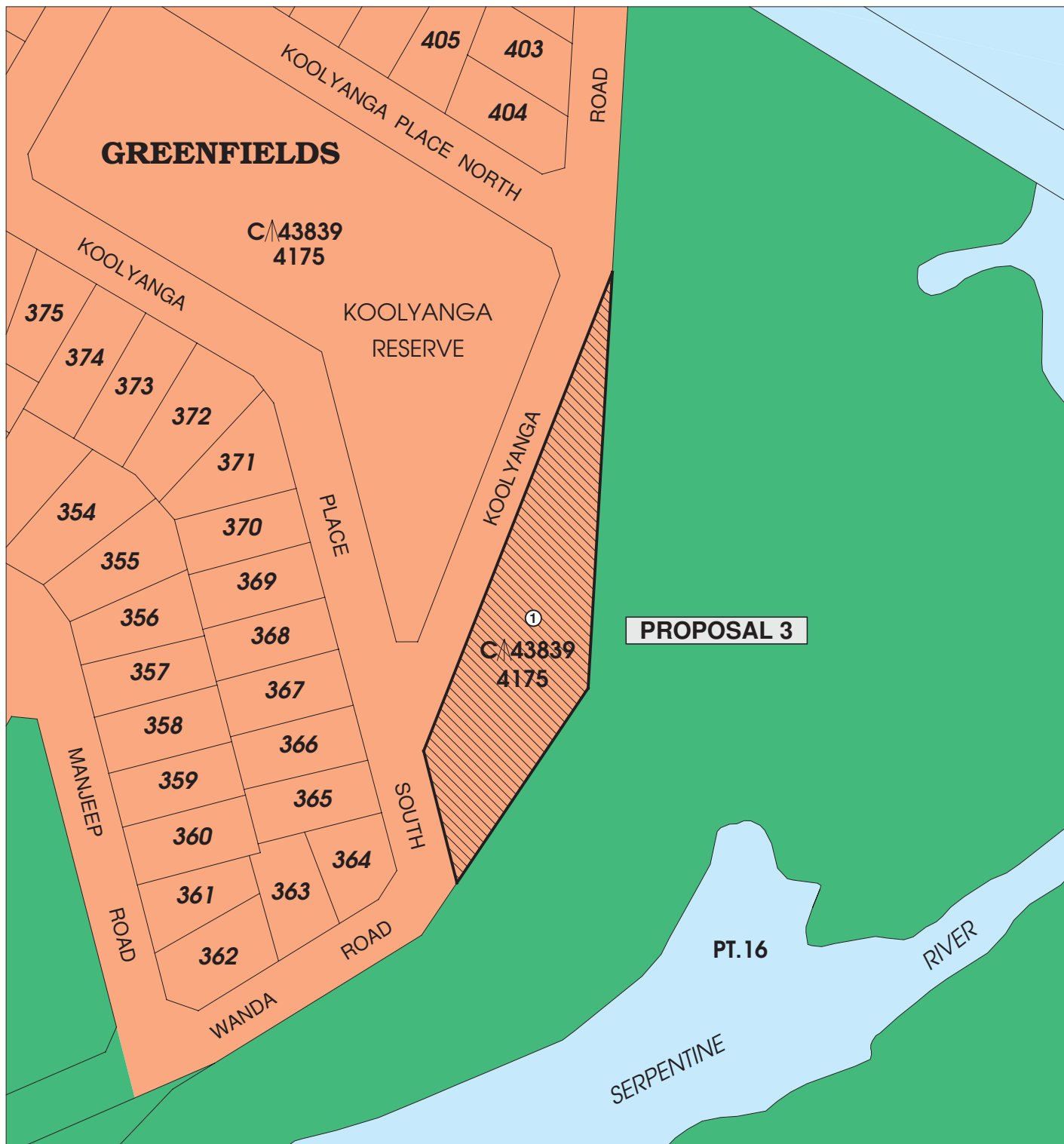
**PROPOSED:**

 URBAN ZONE

**LEGEND**

**EXISTING:**

 RURAL ZONE  
 URBAN ZONE  
 REGIONAL OPEN SPACE RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 3

**PROPOSED:**



REGIONAL OPEN SPACE RESERVATION

**LEGEND**

**EXISTING:**



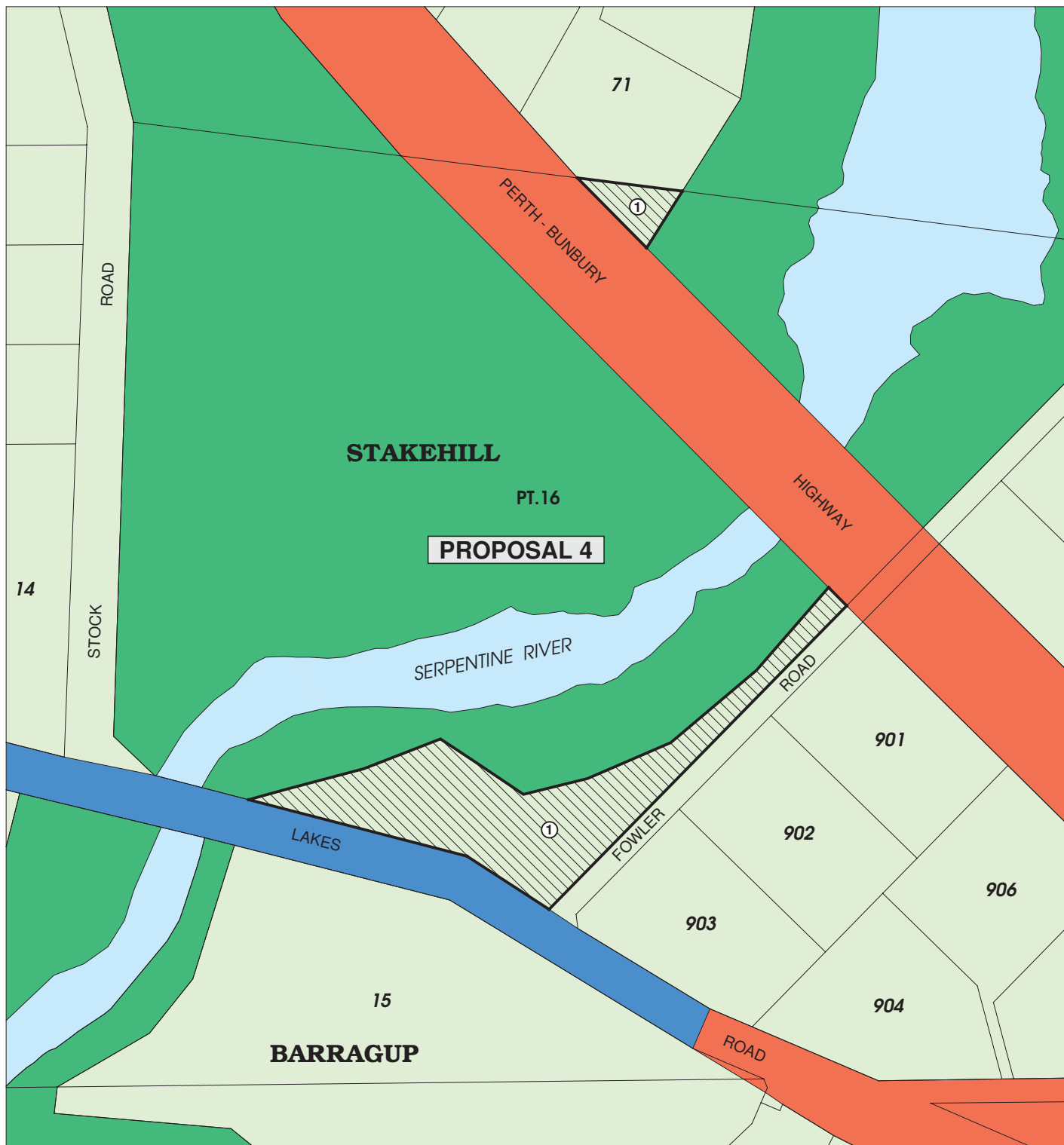
WATERWAYS RESERVATION



URBAN ZONE



REGIONAL OPEN SPACE RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 4

**PROPOSED:**



REGIONAL OPEN SPACE RESERVATION

**LEGEND**

**EXISTING:**



WATERWAYS RESERVATION



RURAL ZONE



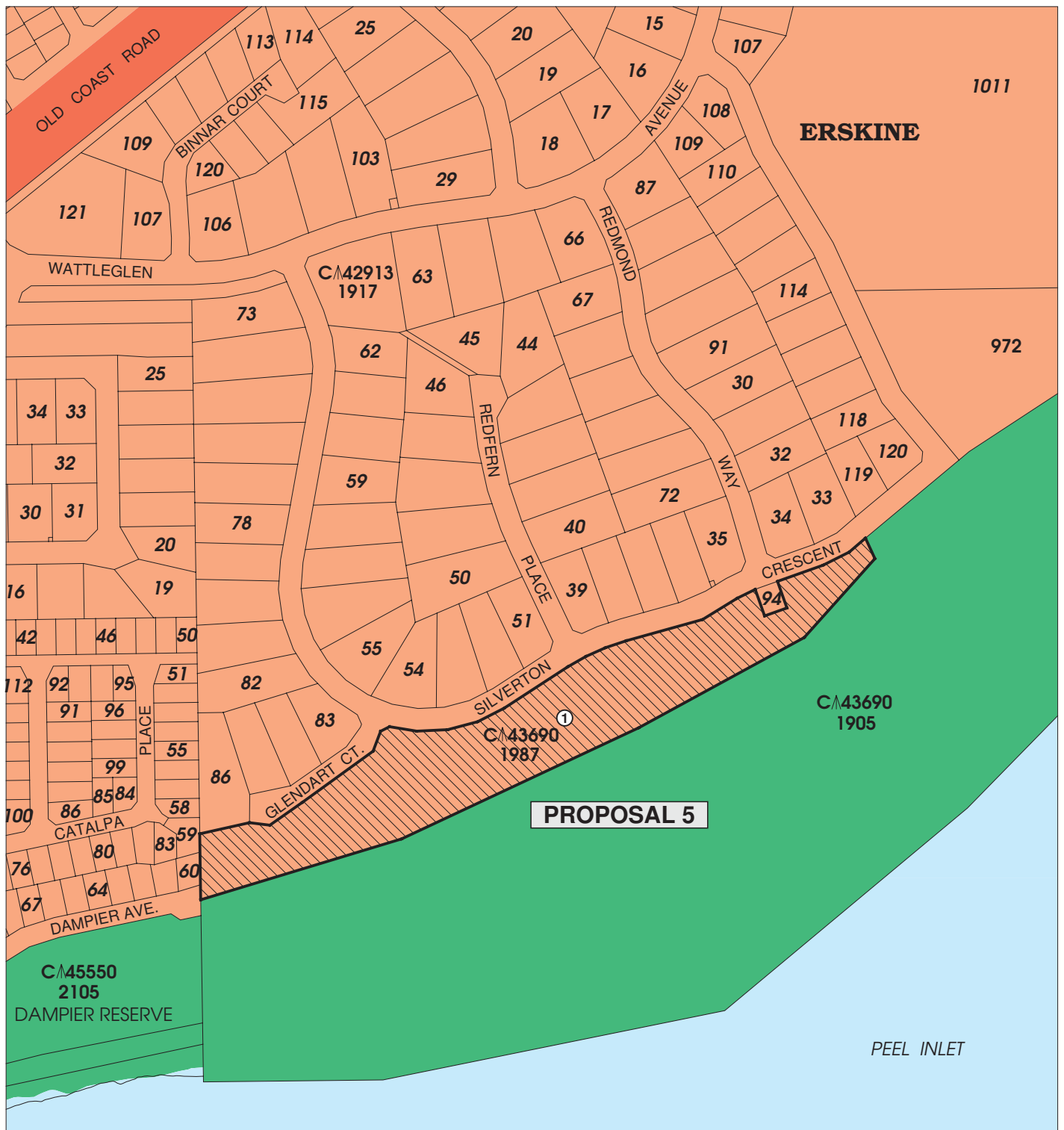
REGIONAL OPEN SPACE RESERVATION



PRIMARY REGIONAL ROADS RESERVATION



OTHER REGIONAL ROADS RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 5

**PROPOSED:**



REGIONAL OPEN SPACE RESERVATION

**LEGEND**

**EXISTING:**



WATERWAYS RESERVATION



URBAN ZONE



REGIONAL OPEN SPACE RESERVATION



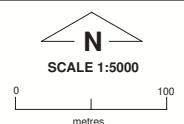
PRIMARY REGIONAL ROADS RESERVATION

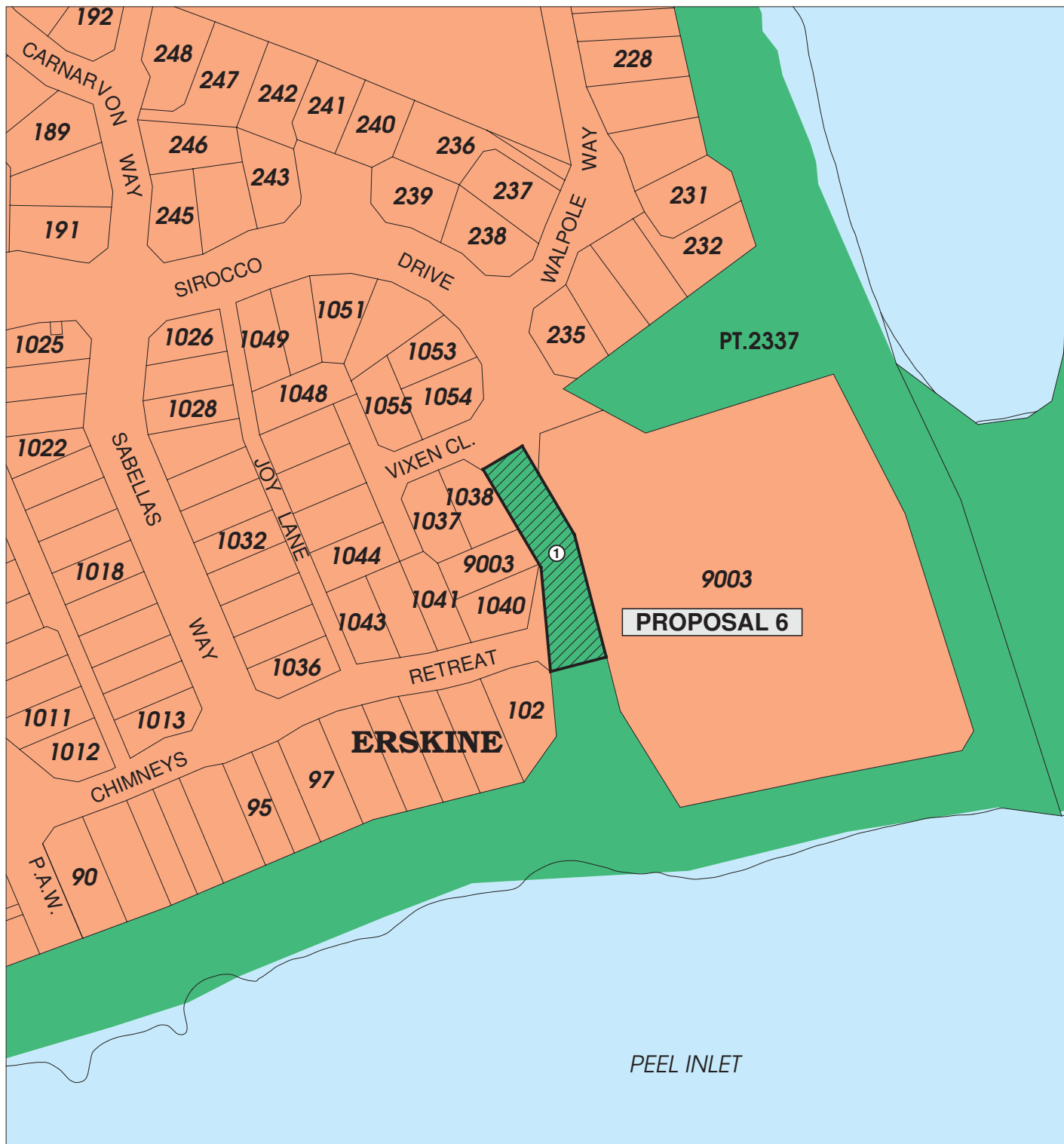
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WESTERN  
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PLANNING  
COMMISSION





**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 6

**PROPOSED:**

 **URBAN ZONE**

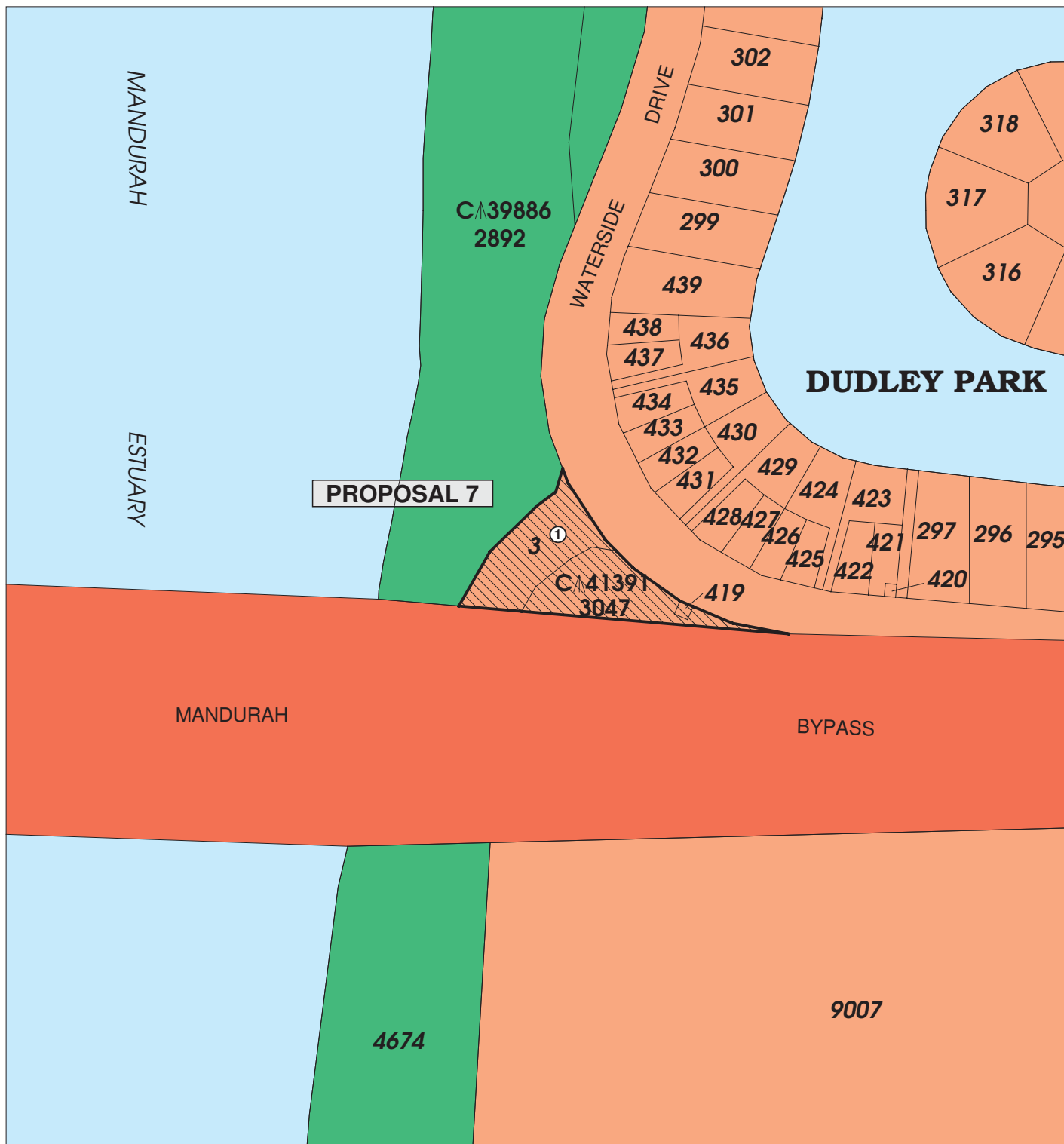
**LEGEND**

**EXISTING:**

 **WATERWAYS RESERVATION**

 **URBAN ZONE**

 **REGIONAL OPEN SPACE RESERVATION**



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 7

**PROPOSED:**



REGIONAL OPEN SPACE RESERVATION

**LEGEND**

**EXISTING:**



WATERWAYS RESERVATION



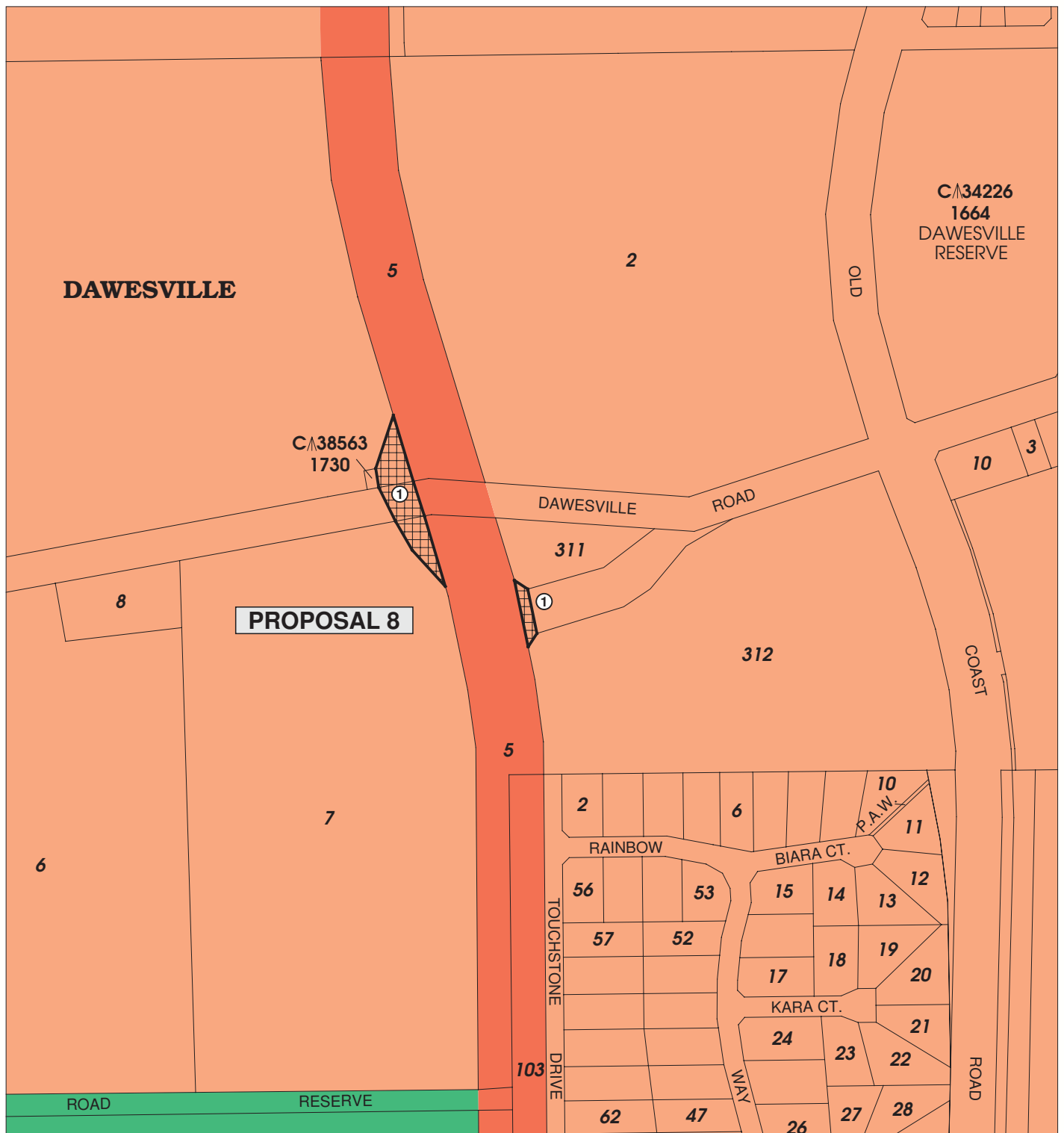
URBAN ZONE



REGIONAL OPEN SPACE RESERVATION



PRIMARY REGIONAL ROADS RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 8

**PROPOSED:**



PRIMARY REGIONAL ROADS RESERVATION

**LEGEND**

**EXISTING:**



URBAN ZONE

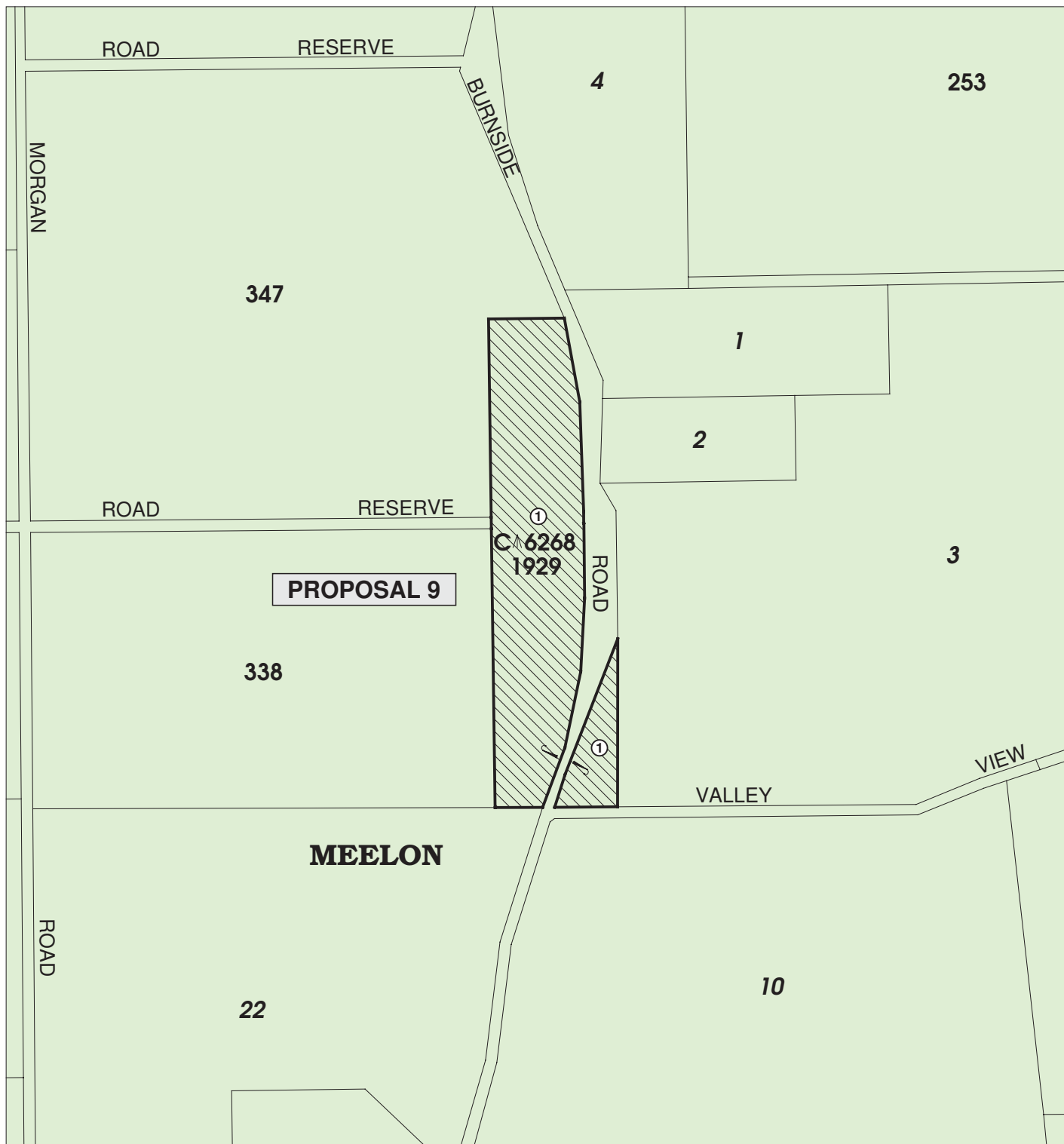


REGIONAL OPEN SPACE RESERVATION



PRIMARY REGIONAL ROADS RESERVATION





**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)**  
**AS ADVERTISED**

17th OCTOBER 2003

FIGURE 9

**PROPOSED:**



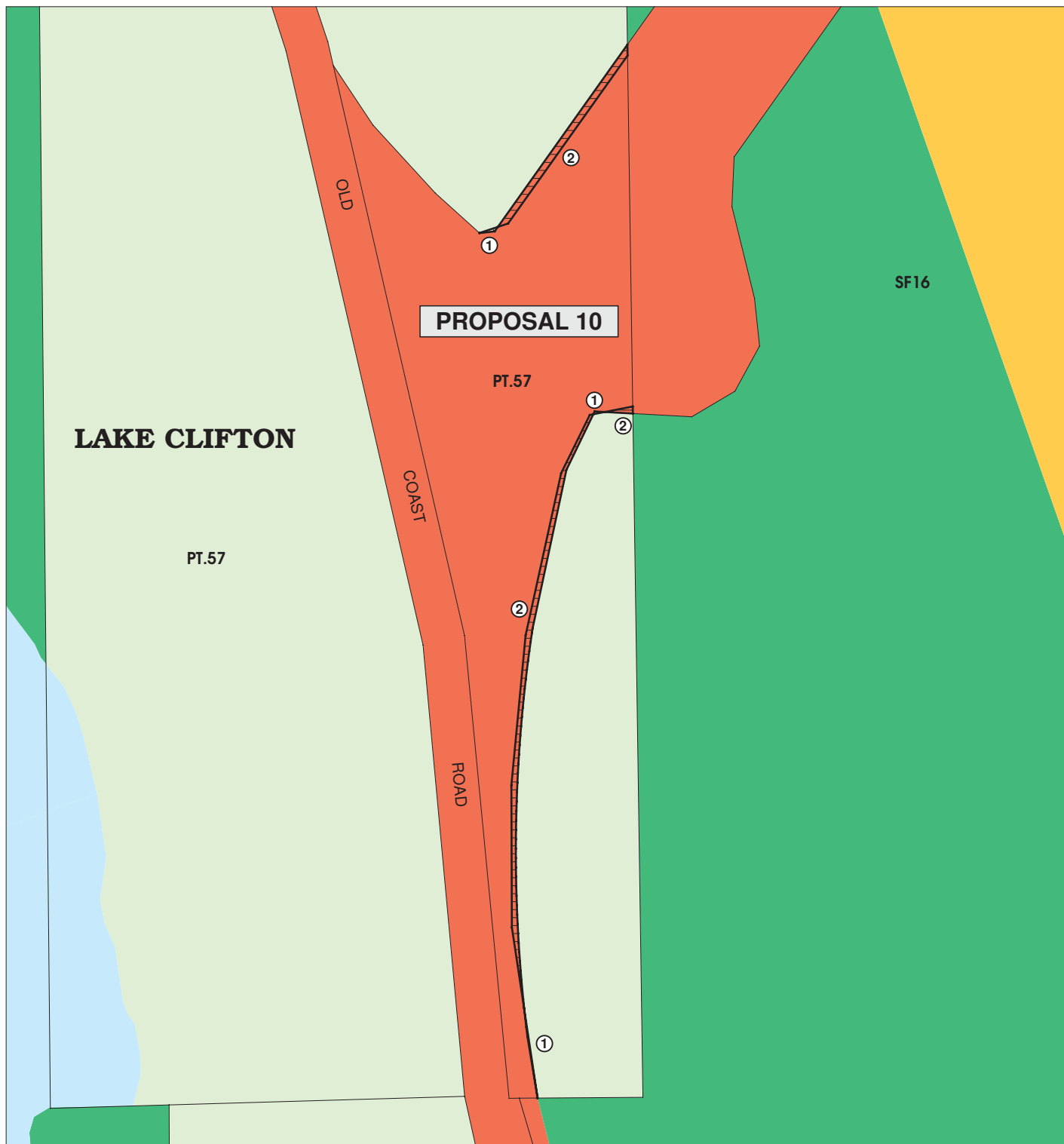
REGIONAL OPEN SPACE RESERVATION

**LEGEND**

**EXISTING:**



RURAL ZONE





**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003






FIGURE 10

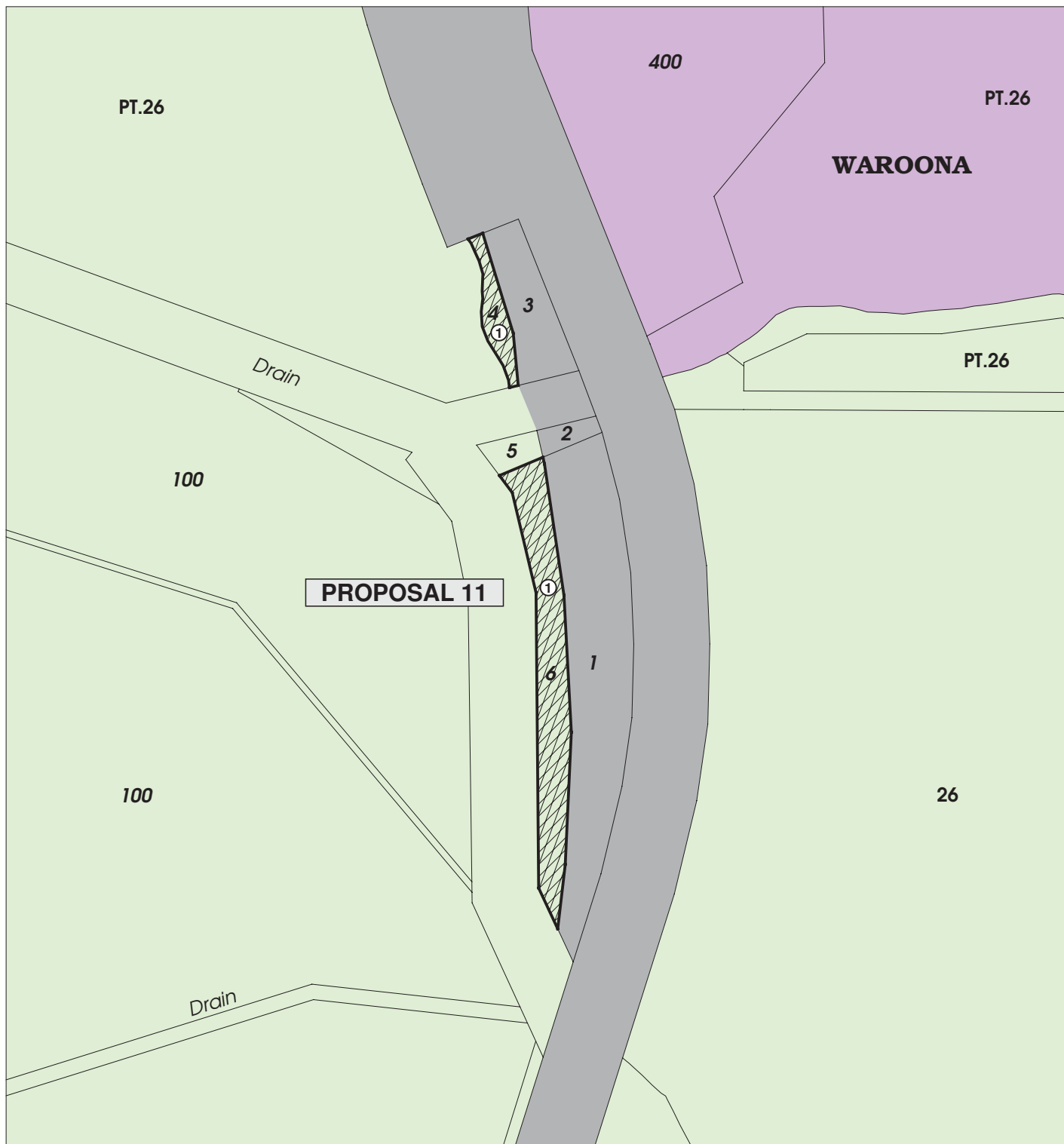
**PROPOSED:**

-  PRIMARY REGIONAL ROADS RESERVATION
-  RURAL ZONE

**LEGEND**

**EXISTING:**

-  RURAL ZONE
-  REGIONAL OPEN SPACE RESERVATION
-  PRIMARY REGIONAL ROADS RESERVATION
-  STATE FORESTS RESERVATION
-  WATERWAYS RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003




FIGURE 11

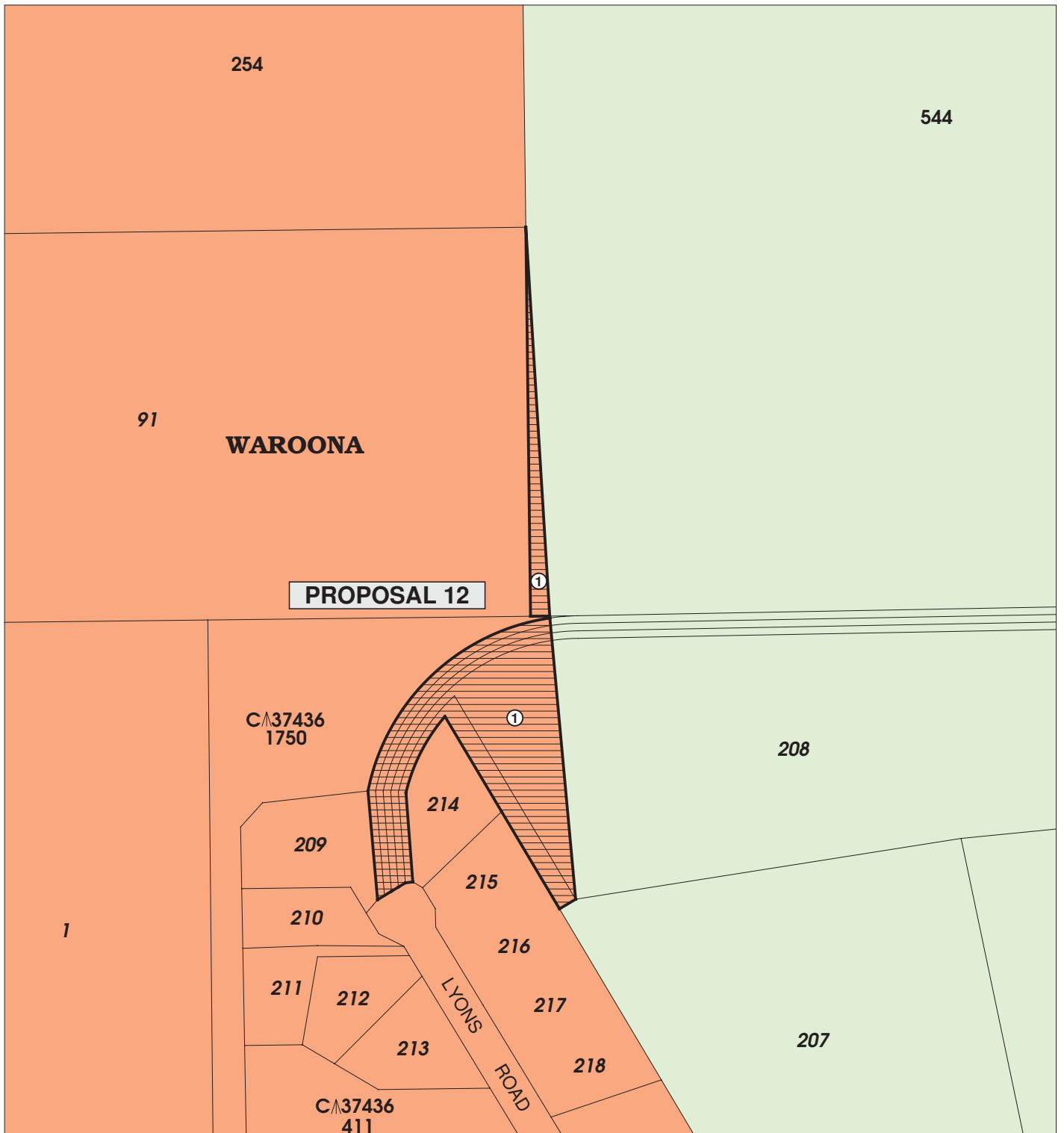
**PROPOSED:**

 RAILWAYS RESERVATION

**LEGEND**

**EXISTING:**

 RURAL ZONE  
 INDUSTRIAL ZONE  
 RAILWAYS RESERVATION



**PEEL REGION SCHEME - PROPOSED OMNIBUS AMENDMENT (No.1)  
AS ADVERTISED**

17th OCTOBER 2003

FIGURE 12

**PROPOSED:**



RURAL ZONE

**LEGEND**

**EXISTING:**



RURAL ZONE



URBAN ZONE

**APPENDIX A**

NOTICE OF ENVIRONMENTAL ASSESSMENT



# Environmental Protection Authority

Westralia Square,  
141 St Georges Terrace, Perth, Western Australia 6000.  
Telephone: (08) 9222 7000. Facsimile: (08) 9222 7155.

Postal Address: PO Box K822,  
Perth, Western Australia 6842.  
Website: [www.epa.wa.gov.au](http://www.epa.wa.gov.au)

Coordinator, Region Schemes  
WA Planning Commission  
469 Wellington Street  
PERTH WA 6000

Your Ref 833-6-13-1  
Our Ref CRN202993  
Enquiries Gary Williams

ATTENTION: John Pride

**SCHEME/AMENDMENT TITLE:** Peel Region Scheme 002/33A - General Omnibus (No.1)  
**SCHEME/AMENDMENT LOCATION:** City of Mandurah, Shires of Murray & Waroona  
**RESPONSIBLE AUTHORITY:** WA Planning Commission  
**LEVEL OF ASSESSMENT:** Scheme Not Assessed (no appeals)

Thank you for your letter of 7 November 2003 referring the above scheme amendment to the Environmental Protection Authority (EPA).

After consideration of the likely environmental factors related to the above scheme amendment and based on the information provided by you, the EPA decided that the overall environmental impact of its implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment.

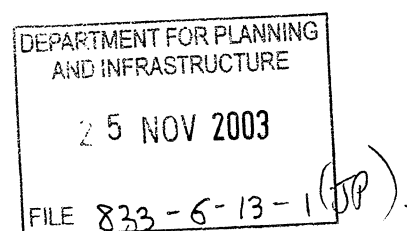
The EPA has also decided that it is not necessary to provide environmental advice on this scheme amendment, however it is the expectation of the EPA that you will implement the scheme amendment in an environmentally responsible manner.

Please note that there are no appeal rights on the level of assessment set on a scheme amendment.

Under the provisions of Section 48A(a) of the Environmental Protection Act the above scheme amendment is now deemed assessed by the EPA.

R A D Sippe  
A/Director  
Environmental Impact Assessment

24 November 2003



**APPENDIX B**

**YOUR PROPERTY AND THE PEEL REGION SCHEME**

## Your Property and the Peel Region Scheme

### If your land is reserved in the Peel Region Scheme

The Peel Region Scheme (PRS) is the statutory land use plan for the Peel Region. It classifies land into zones and reservations. As the need arises and the region develops, so the PRS will need to be amended.

The PRS is available for inspection at the Department for Planning and Infrastructure.

Under the PRS, zones are the areas identified for purposes such as residential (Urban zone), industry (Industrial zone), rural activities (Rural zone), Regional Centre zone etc.

Reservations are areas that have been identified for a public purpose. Examples include school sites, railways, major roads, regional open space etc.

Prior to land being rezoned or reserved, owners are contacted and invited to make a submission on the proposed changes through the amendment process.

Land affected by a reservation will at some time be acquired by the Government, but can generally 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 (Commission) recognises that, due to

the reservation, this may be difficult. Therefore, subject to acquisition priorities and the availability of funds, the Commission would be willing to consider purchasing a reserved property if an owner is unable to sell the land on the open market.

- Offer the property for sale to the Commission. Subject to acquisition priorities and availability of funds, the Commission would be willing to consider acquisition of a reserved property. Where this occurs, the property is purchased at the current market value, calculated as it would have been if the land was not affected by the reservation. The value is determined by independent sworn valuations. If necessary, there are avenues of arbitration and appeal for you, to make sure the valuation is fair.
- Make a claim for compensation for injurious affection if, due to the reservation, the Commission refuses a development application or approves a development application subject to conditions unacceptable to you. In such cases, the Commission may elect to purchase the property instead of paying compensation with the purchase price determined in the same way as a negotiated purchase.

### Am I entitled to compensation ?

If your land is reserved in the PRS, 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 PRS and you can only sell the property on the open market at a reduced price.

or

- The Commission has either refused a development application over the property or has approved a development



- application subject to conditions that are unacceptable to you. This applies whether you are the first or subsequent owner.

### **How do I claim compensation ?**

1. If you have chosen to sell the property on the open market at a reduced price and wish to receive compensation you will need to complete a Notice of Intention to Sell form that is available from the Commission.

If you do so, the Commission will confirm the extent of the reservation on the land and forward the notice to the Board of Valuers.

The Board will then determine the sworn unaffected value 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 determination by the Board :

- You will be notified of the unaffected value of the property.
- You pay a valuation fee to the Commission, after which you will be notified of the affected value of the property - this will represent the minimum sale price.
- You then arrange sale of the property (privately or through a real estate agent). Note: The sale price must not be less than the affected value.
- 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 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 is lodged on the Certificate of Title, to indicate that compensation has been paid. Please note that compensation is only payable once except where a further reservation is established or an existing reservation increased by amendment to the PRS.

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

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

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

If the Commission elects to purchase the property, sworn valuations are obtained for the market value of the property as at the date of the election to purchase, calculated as it would have been if the land was not affected by the reservation. 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 Commission.

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

Since 1963 the Metropolitan Region Scheme (MRS) for Perth has operated and the same provisions have applied. Under the MRS, compulsory acquisition is an option of last resort and only occurs for essential and committed public works. In relation to regional open space reservations, compulsory acquisition has very rarely taken place. The Commission's preference is to acquire land by negotiated purchase when approached by the landowner.

If the Commission has taken your property, you have the right to make a claim for compensation in respect of the land taken.

In such cases, the Commission will have the land valued by sworn valuers and following the checking of the compensation claim will make an offer of compensation for the taken land.

In all cases, avenues of arbitration and appeal are available in regard to the amount of compensation offered, if necessary.

Should you have any queries concerning the matters raised in this brochure, please contact the:

Land Asset Management Directorate  
Western Australian Planning Commission  
Albert Facey House  
469 Wellington Street  
Western Australia 6000

Tel (08) 9264 7777 Fax (08) 9264 7517  
Internet: <http://www.planning.wa.gov.au>  
email: [corporate@planning.wa.gov.au](mailto:corporate@planning.wa.gov.au)

## **APPENDIX C**

### **PREPARING A SUBMISSION**

## PREPARING A SUBMISSION

The Western Australian Planning Commission (WAPC) welcomes comment on proposed amendments to regional planning schemes 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 welcomed.

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 change should, or should not take place. 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 one(s) you are addressing.

It is important that you state your point of view clearly. 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 (see Appendix D). 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 the form and in the section of this report titled *Submissions on the Amendment*. 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 Environmental Protection Authority.

You should be aware that the calling for public submissions is a public process, and all submissions will become public documents. Presentations made to the Hearings Committee are an extension of the submission process, and the transcripts of the hearings also become a public document.

**APPENDIX D**

SUBMISSION FORM FOR THIS AMENDMENT



**Western Australian Planning Commission Act 1985**  
as read in the conjunction with the  
**Metropolitan Region Town Planning Scheme Act 1959**

**Peel Region Scheme**  
Amendment No. 002/33A

**Submission Form**

Office use only

<b>Submission number</b>
--------------------------

To: Secretary  
Western Australian Planning Commission  
Unit 2B, 11-13 Pinjarra Road  
MANDURAH WA 6210

I/We. .... (Please print clearly)  
(Name)

of..... Postcode .....

Contact telephone number .....Email .....

hereby make a submission in relation to Peel Region Scheme Amendment No. 002/33A

The submission is as follows:

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(Please attach additional pages if necessary. Any attachments should be loose rather than bound)

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Where the submission relates to a specific parcel of land, please indicate:

Lot number ..... Street address .....

Locality (suburb) .....

My interest is (please circle) owner/occupier, registered proprietor, lessee, mortgagor, other

**See page 2 to complete your submission**

**Peel Region Scheme**  
**Amendment No. 002/33A**  
**Hearing of Submissions**

There will be an opportunity for people who have made written submissions to discuss matters they have raised in their submission by commenting in person to a Hearings Committee.

These hearings are arranged so that the Western Australian Planning Commission can listen to a person should they wish to explain or expand upon their written submission. In the case of a group, a spokesperson to represent the group must be appointed.

A hearing is intended for listening to points of view and planning rationale and is not a forum of general public debate.

All hearings are recorded and transcribed. The transcripts of 'private' hearings remain confidential. All written submissions, transcripts of public hearings and the Commission's report will become public documents.

**You do not have to attend a hearing**

The comments presented by you in this written submission will be considered.

Please complete the following (indicate by placing a tick in the appropriate box)

**NO** I do not wish to speak at the hearing (Please go to the end of the form and sign)

Or

**YES** I do wish to speak at the hearings. (If you have indicated yes please complete the following details. You will be contacted to arrange a time for your hearing)

I will be represented by

**Myself.** My telephone number is (business hours) .....

Or

**My agent or spokesperson** (an agent may be from a local group)

Agent's name .....

Agent's telephone number (business hours) .....

Group's name .....

Mailing address .....

I would prefer my hearing to be conducted in:

**Public** (with a public hearing, other persons may attend)

Or

**Private** (a private hearing is conducted behind closed doors and only people nominated by you and the Hearings Committee will attend. Material presented at a private hearing will remain confidential)

To be signed by person/s making the submission

Signed..... Date..... Signed..... Date.....

Note: Submissions **MUST** be received by the advertised closing date, being close of business 5.00pm on Wednesday, 2 June 2004. Late submissions will not be considered.

Contacts: Telephone 9581 4471. Fax: 9581 5491  
Internet: [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au)