



THIRTY-NINTH PARLIAMENT

REPORT 38
STANDING COMMITTEE ON ENVIRONMENT
AND PUBLIC AFFAIRS
PETITION NO 54—GIDGEGANNUP URBAN
PRECINCT

Presented by Hon Simon O'Brien MLC (Chairman)

November 2014

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“2. Environment and Public Affairs Committee

- 2.1 An *Environment and Public Affairs Committee* is established.
- 2.2 The Committee consists of 5 Members.
- 2.3 The functions of the Committee are to inquire into and report on –
 - (a) any public or private policy, practice, scheme, arrangement, or project whose implementation, or intended implementation, within the limits of the State is affecting, or may affect, the environment;
 - (b) any bill referred by the Council; and
 - (c) petitions.
- 2.4 The Committee, where relevant and appropriate, is to assess the merit of matters or issues arising from an inquiry in accordance with the principles of ecologically sustainable development and the minimisation of harm to the environment.
- 2.5 The Committee may refer a petition to another Committee where the subject matter of the petition is within the competence of that Committee.
- 2.6 In this order “**environment**” has the meaning assigned to it under section 3(1), (2) of the *Environmental Protection Act 1986*.”

Members as at the time of this inquiry:

Hon Simon O'Brien MLC (Chairman)

Hon Stephen Dawson MLC (Deputy Chair)

Hon Brian Ellis MLC

Hon Paul Brown MLC

Hon Samantha Rowe MLC

Staff as at the time of this inquiry:

Irina Lobeto-Ortega (Advisory Officer (Legal)) Amanda Gillingham (Research Officer)

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**EXECUTIVE SUMMARY AND RECOMMENDATION FOR THE
REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS
IN RELATION TO
PETITION NO 54—GIDGEGANNUP URBAN PRECINCT**

EXECUTIVE SUMMARY

- 1 A petition opposing the Metropolitan Region Scheme Amendment No 1239/41– Gidgegannup Urban Precinct was tabled in the Legislative Council on 9 September 2014. The petition raises concerns about the amendment and requests that it is disallowed by the Legislative Council.
- 2 The Gidgegannup Major Amendment was published in the *Government Gazette* on 6 June 2014 and tabled in the Legislative Council on 19 June 2014. The amendment rezones 296.36 hectares of land from ‘rural’ to ‘urban deferred’ in the Metropolitan Region Scheme.
- 3 A notice of motion to disallow the Metropolitan Region Scheme Amendment No 1239/41– Gidgegannup Urban Precinct was given on 10 September 2014 by Hon Alanna Clohesy MLC and moved *pro forma* in accordance with Standing Order 60(1) on 17 September 2014.
- 4 This report, containing a brief outline of the Committee’s inquiries in relation to the petition, is provided to assist the House in its debate on the disallowance motion.

RECOMMENDATION

- 5 The Committee made the following recommendation which appears in the text at the page number indicated:

Page 3

Recommendation 1: The Committee recommends that the Legislative Council note the report.

REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

IN RELATION TO

PETITION NO 54—GIDGEGANNUP URBAN PRECINCT

1 REFERENCE AND PROCEDURE

1.1 On 9 September 2014, Hon Alanna Clohesy MLC tabled a petition in the Legislative Council that opposed the Metropolitan Region Scheme Amendment No 1239/41—Gidgegannup Urban Precinct. The petition is attached at **Appendix 1**.

1.2 The terms of the petition state—

We, the undersigned residents of Western Australia, believe that there is significant community concern regarding the proposals for development of Gidgegannup Urban Precinct contained in Metropolitan Region Scheme Amendment No. 1239/41 including:

- *unresolved impediments and no firm plans for the provision of basic infrastructure including water, sewerage, electricity and telecommunications;*
- *need for significant upgrade to Toodyay Road and local roads, as yet unplanned and not funded and no plans for improvements to public transport;*
- *significant inconsistencies between the development proposal and local planning documents and strategy; and*
- *no community consultation has been undertaken on the proposed Masterplan.*

Your petitioners therefore respectfully request that the Legislative Council disallow the Metropolitan Region Scheme Amendment No. 1239/41 Gidgegannup Urban Precinct until such time as these issues are addressed and the community has been properly consulted on the proposed Masterplan.¹

1.3 The petition was referred to the Standing Committee on Environment and Public Affairs (the **Committee**) pursuant to the Legislative Council's Standing Order 102(6).

¹ Tabled Paper 1826, Legislative Council, 9 September 2014.

1.4 The principal petitioner and tabling Member were invited to provide submissions following which responses to the petition and submissions were requested from the Minister for Planning and the City of Swan.

2 CONTEXT

2.1 The Metropolitan Region Scheme Major Amendment 1239/41 – Gidgegannup Urban Precinct (**Gidgegannup Major Amendment**) was published in the *Government Gazette* on 6 June 2014 and tabled in the Legislative Council on 19 June 2014.²

2.2 The Gidgegannup Major Amendment rezones 296.36 hectares of land from a rural zone to an urban deferred zone in the Metropolitan Region Scheme (**MRS**). An urban deferred zone recognises that certain essential services and infrastructure requirements must be addressed before the land can be developed.³

2.3 A notice of motion to disallow the Metropolitan Region Scheme Major Amendment 1239/41 – Gidgegannup Urban Precinct was given on 10 September 2014 by Hon Alanna Clohesy MLC and moved *pro forma* in accordance with Standing Order 60(1) on 17 September 2014. Section 56(1) of the *Planning and Development Act 2005 (Act)* permits the Parliament to disallow a scheme or amendment.

3 THE COMMITTEE'S INQUIRIES

3.1 A submission to the Committee from the principal petitioner (**Appendix 2**) outlined a number of concerns with the Gidgegannup Major Amendment, particularly in relation to:

- a lack of basic infrastructure;
- the need for a significant upgrade to Toodyay Road and other local roads;
- inconsistencies with local planning documents and strategy, and
- the lack of community consultation on a proposed Masterplan.⁴

3.2 A response to the petition by Hon John Day MLA, Minister for Planning, was received by the Committee and is attached at **Appendix 3**. The Minister advised that:

An Urban deferred zone has been considered more appropriate than an Urban zone because there are servicing issues, such as the

² Western Australian Planning Commission, Metropolitan Region Scheme Amendment 1239/41–Gidgegannup Urban Precinct, *Report on Submissions, Submissions, Transcripts of hearings*, May 2014, tabled in the Legislative Council on 19 June 2014 (Tabled Paper 1567).

³ Ibid, p1.

⁴ Submission from Ms Sally Block, Gidgegannup Progress Association (Inc.), 6 October 2014.

*provision of water and wastewater, and regional road issues, such as the upgrade of Toodyay Road, that need to be addressed prior to the land being developed for urban purposes.*⁵

- 3.3 The Minister pointed out that the amendment is “*only the start of the planning process required to make the site ready for future urban development*” and in the interim “*there are several other statutory planning requirements*” to be undertaken.⁶ Those planning processes will include opportunities for public consultation.⁷
- 3.4 In relation to the petitioner’s concern about the lack of consultation on a proposed Gidgegannup masterplan, the Minister advised that there is no requirement under the Act for a masterplan to support an amendment to the Metropolitan Region Scheme.⁸
- 3.5 The Minister noted that most of the issues raised by the petitioner are addressed in the *Report on Submissions* for the amendment.⁹
- 3.6 A response from the City of Swan was received as the Committee was concluding this report and is attached at **Appendix 4**.
- 3.7 This information is provided to assist the House in its debate on the disallowance motion.

Recommendation 1: The Committee recommends that the Legislative Council note the report.



Hon Simon O’Brien MLC
Chairman

27 November 2014

⁵ Letter from Hon John Day MLA, Minister for Planning, 11 November 2014, p1.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid, p4.

⁹ Ibid, p5.

APPENDIX 1

PETITION NO. 54 – GIDGEGANNUP URBAN PRECINCT

I, **Sally Block**, in the State of Western Australia, am the promoter this petition which contains **311** signatures.

PETITION IN RELATION TO THE METROPOLITAN REGION SCHEME AMENDMENT NO.1239/41 GIDGEGANNUP URBAN PRECINCT

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia, believe that there is significant community concern regarding the proposals for development of Gidgegannup Urban Precinct contained in Metropolitan Region Scheme Amendment No. 1239/41 including:

- unresolved impediments and no firm plans for the provision of basic infrastructure including water, sewerage, electricity and telecommunications;
- need for significant upgrade to Toodyay Road and local roads, as yet unplanned and not funded and no plans for improvements to public transport;
- significant inconsistencies between the development proposal and local planning documents and strategy; and
- no community consultation has been undertaken on the proposed Masterplan;

Your petitioners therefore respectfully request that the Legislative Council disallow the Metropolitan Region Scheme Amendment No. 1239/41 Gidgegannup Urban Precinct until such time as these issues are addressed and the community has been properly consulted on the proposed Masterplan.

And your petitioners as in duty bound, will ever pray.

NAME	ADDRESS	SIGNATURE
		<i>[Handwritten Signature]</i>

APPENDIX 2

SUBMISSION FROM THE PRINCIPAL PETITIONER

SUBMISSION FROM SALLY BLOCK RE. PETITION NO.54 – GIDGEGANNUP URBAN PRECINCT

We confirm that we have not taken our complaint to the Parliamentary Commission for Administrative Investigations. We urge the Committee to investigate this matter further. This development is unique in Western Australia and has the potential to change the nature and amenity of the Perth Hills. There are significant complex issues and a high level of inter-governmental coordination and private sector clarity is necessary. Further enquiry could contribute to this process greatly.

The North Eastern Hills Settlement Pattern Plan (NEHSPP) was workshopped over a lengthy period encompassing both the community and Government to ensure that the recommendations would preserve the "Hills Lifestyle". To this end the recommendation was made that three small Townsites would appear the most appropriate developments in the North Eastern Hills, with total populations in the order of 4000 people. A large townsite was deemed unsuitable given the potential of such a townsite to impact on the "Hills Lifestyle". The Gidgegannup townsite area was just over 200 ha. The proposed area has now expanded to 296.6 ha with a possible second stage to increase the area to 429 ha. The number of lots has been set at 1500 or more dependent on what is needed to fund infrastructure requirements. The impact of the water pipeline to service this proposed development could also have a significant effect on the Hills villages through which it passes in terms of development that is not currently planned.

The community does in fact welcome development of our Townsite, just that it should be appropriate development conforming to our planning documents that have been in place for many years and have had considerable input from the community. Any development should also take place when solutions to infrastructure problems have been found.

Unresolved impediments and no firm plans for the provision of basic infrastructure including water, sewerage, electricity and telecommunications:

Water/Sewerage: Gidgegannup has no scheme water. Currently residents have their own water tanks or dams and septic sewage. The development would require the construction of a pipeline to connect to the metropolitan water supply. However, the Water Corporation is not sure it can supply water to this development. Future scheme connection is dependent on further development in the Hills that is currently not planned.¹

There are currently no conclusive plans for how sewage will be disposed of or treated, and the topography and geology of the district limits options. Water and sewerage are basic human requirements. These issues must have some resolution prior to approval and it is indicated that there is no certainty that these issues will be resolved.²

Electricity: Whilst there has been improvement in the electricity supply to the Hills, there are still significant capacity problems (particularly for new connections). Western Power indicates a new substation is required just to deal with capacity for the current population and any urbanisation will require a significant upgrade.

Telecommunications: Land lines in the area are inadequate and subject to continual failure. Mobile phone coverage is intermittent for many people in the area as the present tower does not have the band width to cope with the existing population and when the band width is near capacity people on the fringes of coverage (many in extreme fire risk areas) have no coverage at all. There are significant emergency implications resulting from this poor coverage.

The Community is extremely concerned that the provision of these services has not been identified or funded and this may become a burden on Local and State Government. There will also need to be provision for medical services, another school/s and employment opportunities.

Need for significant upgrade to Toodyay Road and local roads, as yet unplanned and not funded and no plans for improvements to public transport:

Main Roads has major concerns that if this land was rezoned to Urban then it is likely that development would proceed in the short to medium term. This will result in a significant increase in traffic along Toodyay Road which is already at

¹ Water Corporation Submission 19 to the Amendment Report, MRSA 1239/41. WA Planning Commission

² Water Corporation Submission 19 to the Amendment Report, MRSA 1239/41 WA Planning Commission

capacity and currently experiences traffic safety and efficiency issues. They also would not support any development of this land until the Perth-Adelaide Highway is constructed which is considered a long term proposal costing in excess of \$1.5bn.³

The Minister states that in the interim the amendment area will be accessed by other major roads such as Toodyay Road and the nearby Great Eastern Highway.⁴ This would necessitate significant upgrading of local roads and junctions with the Great Eastern Highway with no indication as to how this upgrading or maintenance of those roads would be funded.

Toodyay Road has had an increasing number of accidents over the past 24 months including several fatalities. Main Roads estimate 10 traffic movements a day per residence. The proposed development could result in well over 10000 traffic movements a day especially as there is little local employment and no High School. This will add significantly to traffic problems in the area especially when noting the increase of commuter traffic from settlements further out, Mining traffic, Refuse sites and Agricultural traffic resulting from rail closures.

Significant inconsistencies between the development proposal and local planning documents and strategy:

NEHSPP: As yet we do not have details of the Masterplan, should there be one. What is clear is that the Amendment Report indicates 1500 lots or more, if more are required for infrastructure costs. It is clear that the infrastructure costs are going to be significant and that there appears to be no clear idea of how much they could be. The North Eastern Hills Settlement Pattern Plan (NEHSPP) cited a small townsite of 4000 people.

Directions 2031: states that it supports the NEHSPP and its aims. It also states that it supports development along key public transport corridors, urban corridors and transit oriented developments to accommodate increased housing needs and encourage reduced vehicle usage. Gidgegannup does not comply with these aims. It also states that it supports ensuring that economic development and accessibility to employment informs urban expansion. There is no provision for an employment node in Gidgegannup. Another objective is "maximising essential service infrastructure efficiency and equity and identifying and prioritising the coordination of projects to support future growth. A stand-alone urban development does not comply with this. In fact this proposal complies with very few of Directions 2031 objectives.

Gidgegannup Rural Strategy: The projected urban area has grown from 240 ha under the NEHSPP, to 296.6 ha now, extending beyond the designated townsite boundary to encompass Landscape zoned land, with a projected 429 ha. This is completely outside the Gidgegannup Rural Strategy guidelines.

No community consultation has been undertaken on the proposed Masterplan: We are not even certain that there is a Masterplan, although one has been referred to in submissions, but what has been discussed is inconsistent with all other significant planning documents over the last 10 years. There also appears to be a lack of coordination across Government departments that will be necessary for any development to go ahead.

The community feels that should Urban Deferred zoning be approved for this land it will be many years, if not decades before this is rezoned Urban.

Summary:

The Perth Hills is a unique area which needs to be conserved. It is also an extremely complex area to develop. There has been a lack of coordination and consultation on the proposed Amendment. We ask the Committee to further investigate the matters raised in our submission in order to further elucidate these and to hear from the various individuals and organisations interested.

³ Main Roads Submission 10 to the Amendment Report, MRSA 1239/41. WA Planning Commission

⁴ Correspondence Minister Day to Gidgegannup Progress Association Inc. (GPA) 10 July 2014.

APPENDIX 3
RESPONSE FROM HON JOHN DAY MLA
MINISTER FOR PLANNING



Minister for Planning; Culture & the Arts
Government of Western Australia



Our Ref: 33-26994
Your Ref: Petition No. 54

Hon Simon O'Brien MLC
Chairman, Standing Committee on Environment and Public Affairs
Legislative Council of Western Australia
Parliament House
PERTH WA 6000

Dear Mr O'Brien *Simon*

**STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS - PETITION
NO. 54 - OPPOSING METROPOLITAN REGION SCHEME AMENDMENT 1239/41
- GIDGEGANNUP URBAN PRECINCT**

Thank you for your letter of 16 October 2014 advising that the above petition was tabled in the Legislative Council and referred to the Standing Committee on Environment and Public Affairs. You advise that the Committee is undertaking preliminary enquiries and request advice on the petition and submissions from the principal petitioner and tabling Member, the Hon Alanna Clohesy MLC.

By way of background this amendment seeks to zone approximately 296 hectares of land in the Gidgegannup area from the Rural zone to Urban Deferred zone under the Metropolitan Region Scheme (MRS). An Urban Deferred zone has been considered more appropriate than an Urban zone because there are servicing issues, such as the provision of water and wastewater, and regional road issues, such as the upgrade of Toodyay Road, that need to be addressed prior to the land being developed for urban purposes. Urban Deferred is an intermediate zone that provides a strong indication that the land in question is physically and locationally suitable for urban purposes. The requirements that need to be met before the Western Australian Planning Commission (WAPC) will agree to the land being transferred to the Urban zone, have been recognised and clearly documented throughout the amendment process.

This amendment is only the start of the planning process required to make the site ready for future urban development. Before urban development commences on the ground, there are several other statutory planning requirements dealing with various levels of detail that would need to be undertaken. These will include opportunities for public consultation and may take quite a few years before dwellings are actually constructed. I have attached a flowchart which provides a general outline of the process.

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In relation to the specific grievances listed, I advise as follows:

“Unresolved impediments and no firm plans for the provision of basic infrastructure including water, sewerage, electricity and telecommunications”

Water and Sewerage

As described above these servicing issues are clearly acknowledged in the amendment documents. The issue of the provision of water and sewerage is one of the prerequisites that need to be addressed before this site can be zoned Urban in the future.

In relation to the issue of water supply, the Water Corporation raised no objections to the amendment during the advertising process. It advised that future detailed water planning will be required to enable the Corporation to undertake an assessment of the detailed proposal, and a comprehensive review will be undertaken of the Goldfields pipeline to evaluate the provision of a bulk water supply from the pipeline to the proposed development. These further studies and liaison with the Corporation will need to be undertaken prior to the transfer of the land to the Urban Zone.

In relation to sewer, there is currently no reticulated sewerage within the Gidgegannup townsite and on-site effluent disposal systems are used. A private wastewater treatment system has been investigated, using a membrane bioreactor treatment plant with wastewater collection and distribution via an underground gravity feed sewer pipe system. It is anticipated that the plant will provide recycled water for distribution via a third pipe network for non-potable applications, such as toilet flushing, garden watering and open space irrigation.

This private wastewater system will need to be licenced by the Economic Regulation Authority in the future. This method of providing sewerage has been tested in the Point Grey residential development within the Peel region, which has been approved by the Economic Regulation Authority.

The Department of Water has assessed a draft District Water Management Strategy, which forms the basis to consider the future provision of private water and wastewater services for this site. It also assessed the technical feasibility of the proposed private water and wastewater infrastructure, and raised no objections to the progression of the proposed Urban Deferred zone.

The final District Water Management Strategy and related investigations will need to be agreed to by relevant State Government agencies and the City of Swan, before the transfer of the land to the Urban zone.

Electricity

Western Power has undertaken a feasibility study which has confirmed that the land is capable of connection to the Western Power network, subject to a number of upgrades to be funded by the proponent.

Telecommunications

An investigation of telecommunications requirements has been undertaken, which has concluded that the land is capable of connection to telecommunications infrastructure.

“Need for significant upgrade to Toodyay Road and local roads, as yet unplanned and not funded and no plans for improvements to public transport”

One of the documented prerequisite requirements for the transfer of the land from the Urban Deferred zone to the Urban zone is confirmation of the regional road upgrade requirements (such as Toodyay Road) generated by anticipated future development.

In the future, the Gidgegannup locality is to be serviced by the proposed Perth-Adelaide National Highway. In the interim, the Gidgegannup locality will be serviced by other major roads, such as Toodyay Road. Any need for upgrading of local roads will be assessed as the need arises. At this stage, the proposed amendment is for an Urban Deferred zone, which will allow for further consideration of regional road requirements, such as time frames for staging of future urban development and the potential for existing roads to be upgraded to achieve appropriate capacity, until the Perth-Adelaide National Highway is constructed.

Consultation has been undertaken with the Public Transport Authority in relation to improvements to public transport. Future development of the Gidgegannup townsite will provide additional demand to make public transport a more viable option for existing and future residents. In relation to the proposed amendment, the proponent has agreed to facilitate the establishment of a public transport service. Preliminary costings for the connection of a Transperth bus service to Gidgegannup, via the Mundaring town centre, have been provided. The proponent has also agreed to enter into an agreement to establish a dedicated fund for a bus service.

Prior to the transfer of the land to the Urban zone, the WAPC, in consultation with Main Roads Western Australia, will need to be satisfied that any upgrades to regional roads generated as a result of future development of the townsite are identified.

“Significant inconsistencies between the development proposal and local planning documents and strategy”

Gidgegannup has been identified as a future townsite in several WAPC and City of Swan strategic planning documents for over 10 years. The intent of the proposed amendment is to begin to implement the recommendations of these endorsed strategic planning documents, by zoning the site to Urban Deferred in the MRS. This amendment is only the first step in the process.

In 2002, the WAPC adopted the North Eastern Hills Settlement Pattern Plan (NEHSPP), which undertook an assessment of development patterns in the hills environment, and concluded that the uncontrolled continuous fragmentation of the hills with rural lifestyle allotments was unsustainable and inappropriate. The

NEHSPP identified the Gidgegannup townsite as an area for more concentrated development, and was considered to alleviate pressures for development with the least environmental impacts.

In 2004, the City of Swan adopted the Gidgegannup Rural Strategy (GRS). The GRS promotes the development of the Gidgegannup townsite in accordance with the recommendations of the NEHSPP. The GRS envisages a rural village with the provision of facilities, a safe movement network and the primary centre for the Gidgegannup locality.

In 2010, the WAPC released *Directions 2031 and Beyond* and associated draft *Outer Metropolitan Perth and Peel Sub-Regional Strategy*. In general, the WAPC reconfirmed the development of a future townsite at Gidgegannup and identified the subject land as an "Urban Investigation Area 2011 – 2020", with a potential dwelling yield of 1,500 (or more).

Accordingly, consistent with the above documents, the proposed amendment is in accordance with the strategic planning framework for the locality.

It has been suggested that the size of the proposed townsite should be significantly reduced. *Directions 2031 and Beyond* (which supersedes the NEHSPP) specifically refers to the subject land, with a potential dwelling yield of 1,500 (or more), and the *State Planning Strategy* refers to townsites (such as Gidgegannup townsite) of between 2,000 and 5,000 people.

Regarding the population figures quoted by Ms Block, the future population of the Gidgegannup townsite will be determined in the subsequent, more detailed stages of the planning and development process (i.e. the formal local structure plan), having regard to all constraints on the site and in consultation with the general public.

"No community consultation has been undertaken on the proposed Gidgegannup Masterplan"

In the past there was a Masterplan for Gidgegannup which was informally presented and circulated to the local community by the previous landowners. However, there is no requirement under the *Planning and Development Act 2005* for a masterplan (and associated advertising) to be prepared to support a MRS amendment request. Accordingly the WAPC is not responsible for any advertising or distribution of that by a proponent to the local community.

In terms of legislative requirements, this amendment was advertised for public submissions for 90 days following its initiation by the WAPC and hearings were undertaken.

The rezoning of the land to Urban Deferred recognises the established intent for a future town site to be developed at Gidgegannup. In the future when the land is transferred to the Urban zone, it will be necessary for the land to be rezoned under the City of Swan Local Planning Scheme in addition to a structure plan being prepared. These two processes are both subject to their own separate public consultation periods. It is at these future stages where the issues raised such as

population numbers, densities, traffic, environment, water management and amenity will be considered.

I also note that Ms Block attended a hearing before the Hearings Committee for this amendment (following the public advertising period), and that MRS amendment process matters and the issues raised above were discussed. The majority of the above issues are addressed in the publicly available *Report on Submissions* for the amendment.

Therefore, as outlined above, all the relevant statutory authorities have been consulted on this amendment, so too has the public been invited to lodge submissions. All of the advice from state and local agencies and comments from the public have been carefully considered. It can be concluded that the issues raised by the principal petitioner and the Hon Alanna Clohesy MLC are not supported as they primarily relate to requirements that have either been considered or will be dealt with in subsequent detailed planning stages.

I appreciate you raising this matter with me and trust the above information is of assistance.

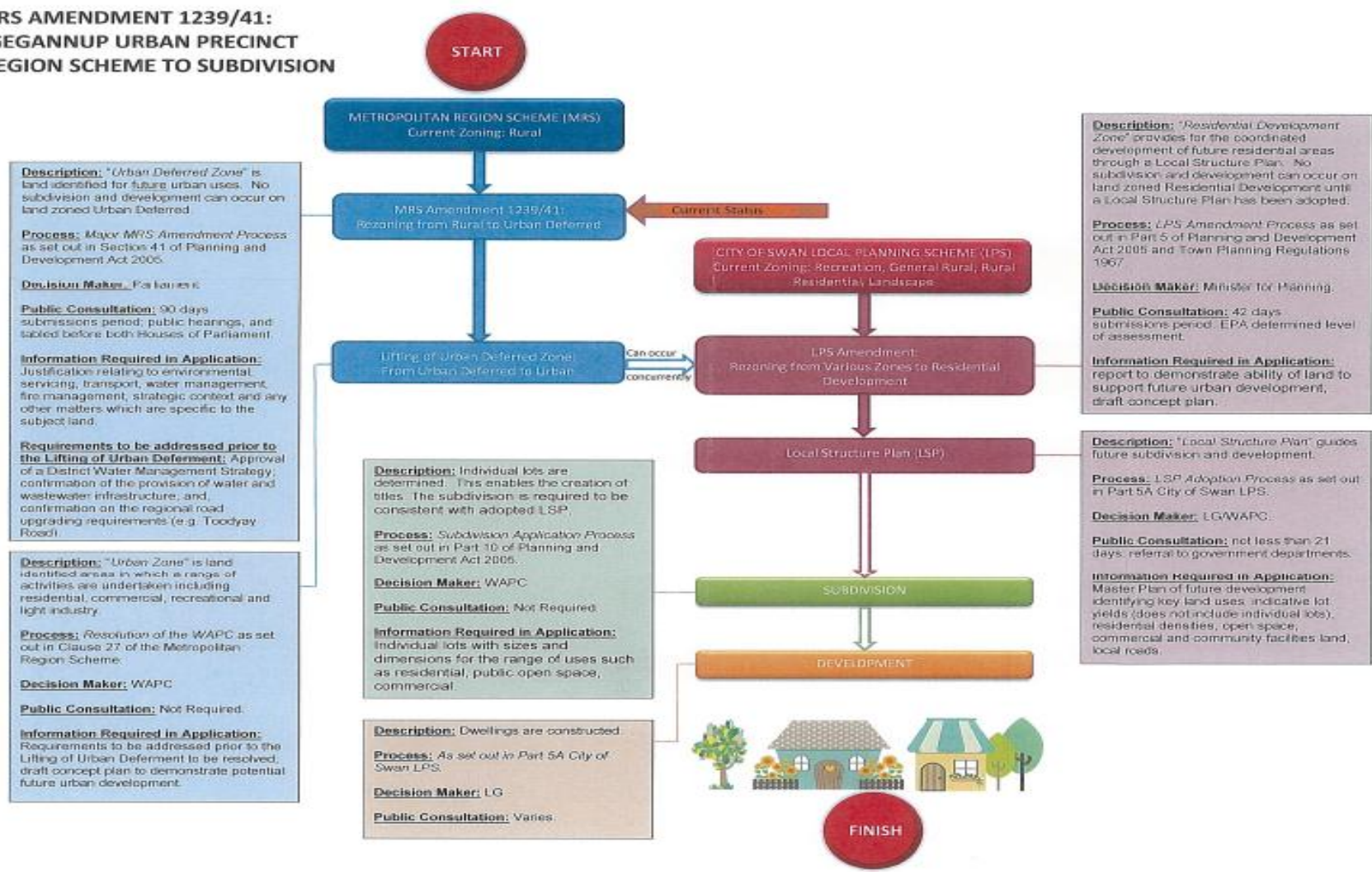
Yours sincerely



**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS**

11 NOV 2016

MRS AMENDMENT 1239/41: GIDGEGANNUP URBAN PRECINCT FROM REGION SCHEME TO SUBDIVISION



APPENDIX 4

RESPONSE FROM THE CITY OF SWAN

Your Ref: Petition No. 54
Enquiries: Steven Tan - 9267 9286
E-mail: Steven.Tan@swan.wa.gov.au
Fax: 08 9267 9444

26 November 2014

Hon Simon O'Brien MLC
Chairman
Standing committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Simon,

RE: Gidgegannup Urban Precinct

I refer to your letter dated 16 October 2014 relating to the above petition and requesting a response from the City.

The City has no objection to the proposed MRS Urban Deferred amendment for Gidgegannup because it is acknowledged that development cannot proceed until the land is zoned 'urban' and an amendment to the Local Planning Scheme to 'special use' zone has occurred to facilitate the structure planning process.

Attached is a copy of a letter detailing the City's position with respect to the Gidgegannup Urban Precinct.

As this is only an 'urban deferred' amendment, nothing can occur until major infrastructure is made available to facilitate development in the future.

The amendment is considered to be premature until such time as government agencies can provide the necessary infrastructure to support future development in Gidgegannup.

Any amendment to the Local Planning Scheme and subsequent Structure Plans for the area will be advertised.

Yours faithfully,



M J Foley
Chief Executive Officer



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Your Ref: DW2249307
Enquiries: Jarrod Ross (9267 9126)
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Fax: 9267 9444

3 May 2012

Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attn: Neil Thomson

Dear Mr. Thomson,

Proposed amendment to the Metropolitan Region Scheme - Gidgegannup Urban Precinct

I refer to your letter of 4 April 2012 requesting the City's comment on the proposed amendment to the *Metropolitan Region Scheme* for the 'Gidgegannup Urban Precinct'.

The City notes that the modified amendment documentation is broadly consistent with that presented in early 2010, with the exception of the amendment area which has been modified consistent with Council's previous advice.

Based on the submitted documentation the City confirms that it does not object to the proposed MRS amendment, as per the resolution of Council on 7 April 2010 (attached), but wishes to add the following commentary for your consideration:

Proposed Wastewater Treatment

In the attached Council item the City expressed its concern with the lack of clear State government policy to guide the provision of wastewater services by third party operators, particularly as this has been an available option since the introduction of the *Water Services Licensing Act 1995*.

The City notes from the Department of Planning's letter of 7 November 2011 (809-2-21-21) that the Department of Water is currently developing policy and legislative solutions to ensure that wastewater provision by a third party operator will become easier in the near future. The City is pleased to hear that such policy is being actively developed, particularly given the WAPC's identification of multiple urban development areas under *Directions 2031* that are not within the capital works budgets of the Water Corporation nor economically feasible as part of a pre-funding arrangement.

In addition, it is noted that the Department has suggested that WAPC support for a third party operator may be subject to an agreement between an applicant and the Water Corporation, as per the Port Grey case study. Given the intention of the *Water Services Licensing Act 1995* was to introduce competition into the water and wastewater service provision market, the City questions why an applicant would be required to enter into an agreement with the Water Corporation, as the two would presumably be in direct competition.



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The City assumes that such an agreement would primarily relate to the standard of infrastructure provided, given that the Water Corporation may be forced to assume both the assets and the provision of service within the licensed area in the event of a market failure. If this is the case, it is considered that a requirement for specific infrastructure standards would be better dictated by State government regulation rather than by private agreement.

The continued advice of the Department of Planning on the above policy matters would be greatly appreciated by the City of Swan, particularly as it will likely be relevant to future MRS amendment proposals throughout the north-east region.

Proposed Concurrent LPS17 Amendment

It is noted that the applicant has reiterated their request to the WAPC for consideration of a concurrent amendment to rezone the subject area to 'Residential Development' under the City's *Local Planning Scheme No. 17*, in spite of Council's previous advice that the concurrent local planning scheme amendment was not supported.

The City previously advised that it considered the 'Special Use' zone to be a more appropriate designation for the subject site, primarily on the basis that this would allow specific provisions to be included which restricted the development of the site to that of a fully serviced urban standard. The intention of such a provision was to ensure that if the applicant's proposal for an alternative wastewater treatment plant was to fail, they could not then lodge a structure plan for a larger lot development utilizing onsite wastewater treatment, thereby limiting future urban development potential.

It is considered that such a provision is entirely appropriate given the State governments concern with the proposed MRS amendment on the basis of untested servicing options, in addition to the WAPC's identification of the subject site as a future urban development area under *Directions 2031*.

In addition to the above, it is considered that the 'Special Use' zone will provide the opportunity for the City to declare the subject area (or portions thereof) as a 'Bushfire Prone Area' for the purpose of the Scheme and the Building Codes of Australia. This specific provision would then permit the City to require the developer to construct dwellings within 100m of a bushfire prone area to the AS3959 standard, as per the guidance provided by the WAPC's *Planning for Bushfire Protection Guidelines*.

As neither of the above provisions could be enshrined in the Scheme under the 'Residential Development' zone, it is considered entirely appropriate for the 'Special Use' zone to be considered as an alternative zoning. As the WAPC does not permit a concurrent amendment to be used where Scheme text is required to be altered, the City requests that the Department of Planning recommend that the WAPC not initiate a concurrent amendment of LPS17 in the event that the subject MRS amendment is initiated.

Should you require any further information or have any questions please feel free to contact the City's Co-ordinator Statutory Planning Policy, Mr. Jarrod Ross, on (08) 9267 9126 or email jarrod.ross@swan.wa.gov.au.

Yours sincerely,



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