



28 July 2014

Hon. Simon O'Brien MLC
Chairman
Legislative Council
Standing Committee on Environment and Public Affairs
GPO Box A11
PERTH WA 6837

Dear Mr O'Brien,

PETITION NO. 44 – REZONING OF ROSEHILL GOLF COURSE

In response to the Petition No 44 tabled by Member Hon. Alyssa Hayden on 24 June 2014, please accept our written submission as the developers of Rosehill Waters, repudiating the statements made by Mr John Squire and his request for investigation into the rezoning.

1 Substantiality of the MRS Amendment

The MRS amendment was determined to be assessed as a minor amendment for reasons that are founded solely on matters set out by the *Planning and Development Act 2005*. The substantiality of the amendment was determined by the Western Australian Planning Commission in its Amendment Report dated May 2014 as minor. That report notes:

Substantiality

The Planning and Development Act 2005 allows for amendments to the MRS to be processed as either "minor" or "major" amendments depending on whether they are considered to constitute a substantial alteration to the MRS or not. Development Control Policy 1.9 - Amendment to be Region Schemes sets out the criteria for deciding whether the major or minor process should be followed. The criteria relate to a variety of matters, not all of which relate to every amendment.

This amendment is recommended to be processed as a minor amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the Metropolitan region, and is unlikely to have an adverse impact on the surrounding locality;*

Resolving quality project by





- *The subject land has been identified in Directions 2031 and beyond and the draft Outer Metropolitan Perth and Peel Sub-Regional Strategy as an “Urban Expansion Area 2011 - 2015” (both documents were subject to public consultation);*
- *The proposed amendment is in accordance with Draft State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport; and*
- *The City of Swan and key State Government agencies agree to the initiation of the proposed amendment (subject to resolution of various issues at later stages of the planning and development process).*

The determination by the WAPC to initiate MRS Amendment 1266/57 as a minor amendment is also consistent with Development Control Policy 1.9 – Amendment to region schemes, as the present land use and character of the land, together with its access to services, relationship to strategic plans and complexity of the proposal deemed its assessment to be suitable as a minor amendment.

Further to this, the amendment prior to its initiation by the WAPC, was referred to the State Steering Committee for the Strategic Assessment of the Perth and Peel Regions. This Committee considers a number of matters relevant to the strategic assessment of projects and proposals in the planning system that may impact the progression of such. The recommendation in relation to the rezoning of the Rosehill land was that it continue through the planning system.

- The Office of the Environmental Protection Authority raises no objections to the initiation of the proposed amendment.
- The Department of Water is satisfied with the District Water Management Strategy.
- The DoW supports the advertising of the amendment.
- The Water Corporation raises no objections to the proposed amendment.
- The SWALSC raises no objection to the development.

2 Historical Land Use

The subject land is privately owned and was left rural by the private owner whose choice was to operate a golf course business. The business will be closing on 31st July 2014 and development of the site will align with the adjoining Waterhall and Rosehill Estates which have both been developed from Rural land and rezoned to Residential in exactly the same way and under precisely the same conditions as Rosehill Waters.



From an historical stand point Rosehill has always been owned privately since the land was granted for rural uses back in the mid 1800's. In 1963 a golf course of sorts was designed by the then owner and opened to a few friends and their friends. The course was not reticulated until the current land owners, the Gatti Family, acquired the property in 1987. Up to that time the course was considered to be a goat track as the course was unplayable over the summer months.

The health and social benefits of the golf course have only been available for those who chose to pay to use the course, notwithstanding the site will offer no benefit to the community as of July 31. Rosehill Waters will offer more than 20% of its land for open space and integrated drainage areas.

Rosehill Waters will deliver - quality, affordable housing built with high levels of noise mitigation, a commercial centre with community buildings and gardens, large areas of open space along natural watercourses, in parks and in a great kick-about area. Our homes will be linked to community, retail, recreational and educational facilities through cycle ways and paths which will benefit everyone.

3 Consultation Process

The amendment process is regulated by the *Planning and Development Act 2005* with advertising of the amendment for public inspection and invitation for submission regulated under section 57 (often referred to as a minor amendment).

The process of a minor amendment to the MRS 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.
- Advertising the amendment for public inspection and inviting submissions. Advertisements are placed in local and state-wide newspapers, and information is available on the Planning WA 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 receiving public submissions over a period of 60 days.
- WAPC considering written submissions and recommends whether to modify the amendment or proceed with the original proposal.



- WAPC presenting a report and recommendation to the Minister for Planning.
- Minister approving amendment with or without modification, which becomes legally effective in the MRS with the publishing of a notice advising of the Minister's approval. Minister may also decline to approve. The approved amendment is placed on public display.

The WAPC have commenced the advertising of the MRS amendment (which closes on 1 August 2014) in line with the regulated process under the Act.

4 Aircraft Noise

Rosehill Waters is located within the vicinity of Perth Airport therefore the provisions of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) are relevant in the zoning and future development of the land.

- SPP 5.1 was adopted in February 2004.
- There is currently a Draft SPP 5.1 adopted in October 2011 including 2009 ANEF contours.

Up until the release of the 2014 ANEF contours in June 2014, some 12 months after the MRS Amendment process had commenced consideration in June of 2013, the majority of Rosehill Waters was not impacted by the ANEF contours.

The National Airports Safeguarding Framework was prepared to provide guidance to various levels of government decision makers to manage the impacts of noise around airports. The Framework and its recommendations are only a guide and do not have any statutory weight. Furthermore, recommendations within the Framework were not incorporated within the review of Australian Standard AS2021.

The planning for the site is more appropriately guided by SPP5.1. The WAPC MRS Amendment Report (dated May 2014 – Attachment 1) refers to the 2009 Masterplan as the 2014 Masterplan had not been released. Notwithstanding this, the proposed concept plan for the development (Attachment 2) is based on the 2014 ANEF contours which do not preclude the development of Rosehill Waters. The Framework has never been adopted by the WA State Government.



The 2004, 2009 and 2014 Masterplans identify the proposed 3rd (parallel) runway, with the relevant ANEF contour map reflecting the forecast noise impacts of the proposed runway – to 2059.

The implementation of the 3rd (parallel) runway will mean that traffic on the current runway which is currently at capacity will decrease by half. Traffic on runways 1 and 3 will slowly increase over the duration of the planning period to 2059.

The additional runway (due 2020) will initially decrease aircraft movements over Waterhall, Rosehill Estate and the Rosehill estate. It is estimated that it will be 30 years before the level of movement once again reaches the current movement level in this area.

The State Minister for Transport has already commissioned studies into finding a site for Perth's second airport. The Minister estimates that a second airport might be needed in 30 years' time.

It is common knowledge that planes are becoming quieter and this is supported by planes such as the "super quiet 787" due to start operations into Perth in October with Air New Zealand, Thai International and Scoot quickly following with 787s. Qatar is going to introduce another very quiet plane – the A380 – next year.

Perth Airport acknowledges that aircraft will be quieter within the Perth Master Plan Timeframe which spans 60 years.

The proposed changes to ANEF contours contemplated within the 2014 Master Plan will also impact upon the Waterhall Estate, Rosehill Estate and Olive Grove Estate. Unlike the Rosehill Waters Estate which will:

- explain the memorial on all titles
- place conditions in the contract of sale with respect to noise levels agreements
- place on sell obligations in contract terms of disclosures
- use build methodology that surpasses even SPP 5.1 setting examples on how to build around airports,

The likely impact of the proposed ANEF contour changes on Waterhall Estate, Rosehill Estate and Olive Grove Estate could be:

- significant cost implications to undertake retrofitting noise amelioration systems to existing homes
- memorials on land titles
- impact on existing property values



Perth Airport routinely objects to any residential development within the proximity of its operations. A decision to re-zone this land rests with the WAPC and finally the Minister, not with Perth Airport, which is a private business operation. Determination of land uses is based on strategic planning criteria and policies, such as SPP5.1.

5 Community Engagement

As part of the process of amending the zoning of the land to residential, Noahs Rosehill Waters has initiated its own comprehensive community consultation process to inform and engage with the community on the development of Rosehill Waters.

This has included;

- The distribution of a pamphlet (regarding Rosehill Waters to all homes in South Guildford, Hazelmere and part of Guildford);
- Inviting the community to 'one on one' informal briefings where all questions will be answered and information on the development will be provided;
- Hosting 2 open sessions in July which was advertised in the local paper and pamphlets distributed to all nearby residents welcoming everyone to attend, meet and question our project team;
- A regularly updated website (www.rosehillwaters.com.au) with answers to frequently asked questions and the chance to ask questions or provide suggestions;
- Regular articles in local newspapers including full cover page (4 full page wrap around) to ensure as many people were informed of our proposal; and
- Hosting a stand at the Midland Gate Shopping Centre to provide further opportunity to discuss the proposal with the local residents.

We submit that the petitions' claim that "the developers are behaving as if the public participation process is a farce is either misguided nonsense or mischief. The complaint of the petitioners that "until current submissions period, no member of public or affected landholder was notified or consulted" also demonstrates either a particularly regrettable lack of understand of the advertising and consultation process or is equally mischievous.

We have actively engaged in an extensive consultation plan, well above the requirements of the developers. Our aim is to ensure that the community is fully informed with accurate information on the proposal and that members of the community not rely on the constant misinformation provided by a minority that object to the development.



Our submission would not be complete if we did not draw to the attention of the committee the fact that the sponsor of the petition and a bitter opponent of the development, Mr Squires lives in the Waterhall Estate, as noted earlier, a development immediately adjacent to Rosehill Waters.

Disappointingly, some people particularly on the adjacent Waterhall Estate and Rosehill Estate which were zoned rural until zoned urban for their houses to be built, now resent the owners of Rosehill Waters also rezoning and developing their land in exactly the same way and under precisely the same conditions. It seems these objectors were happy to have the land upon which their homes were subsequently built rezoned urban but not so for their neighbours.

The truth is with respect; the objection of these people to the Rosehill Waters Estate is simply that they have become accustomed to the neighbouring private land being a golf course (which officially closes on the 31st July 2014) and the intrinsic amenity that it brings to their properties. We trust this information provides a balanced response to the investigation request sought by Mr Squire through the Committee.

Please do not hesitate to contact me should you need further clarification or information on any matter.

Yours sincerely,

Sandra Bransby
General Manager
Rosehill Waters
Noahs Rosehill Waters Pty Ltd