

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



2 Midland Square, Midland
PO Box 196, Midland WA 6936

enquiries 08 9267 9267
facsimile 08 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.


city of swan

2 Midland Square, Midland
PO Box 196, Midland WA 6936

enquiries 08 9267 9267
facsimile 08 9267 9444

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,

Philip Russell
A/Principal Planner
Statutory Planning