



Hon Matthew Swinbourn MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
Harvest Terrace
PERTH WA 6000

Dear Mr Swinbourn

Petition No. 078 – Dianella Industrial Precinct

Thank you for the opportunity to provide a submission to the Standing Committee on Environment and Public Affairs in relation to the above petition. I was pleased to table this petition on behalf of a local resident and I can advise the Committee that I have not referred these issues to the Parliamentary Commissioner for Administrative Investigations.

I am advised that since the petition was tabled in Parliament, the Minister for Planning has approved City of Stirling Local Planning Scheme No. 3 – Amendment No. 80, rezoning the Dianella Industrial Precinct from industrial to residential. Although this is a step forward for a rundown precinct in desperate need of rejuvenation, surrounding residents are concerned that certain problems with the City's processes have opened legal avenues for the applicant to circumvent the wishes of the community.

I am advised the City received an application from a private third party to rezone the area on 15 March 2016, accompanied by a draft Local Development Plan that proposed a maximum of six stories in two of the three new R-AC0 zones. Council initiated the scheme amendment on 6 December 2016 and resolved to concurrently advertise the draft plan for public comment. Although Council resolved to restrict building height to a maximum of four stories and advertised the plan as such, the circumstances of the modification were later deemed to be in violation of planning and development regulations.

I am advised Council resolved to not support the scheme amendment on 6 February 2018, and has since begun organising a comprehensive planning exercise that will include multiple stages of community consultation. This decision was supported by the residents, as a proper planning process will ensure that local concerns such as



school intakes, public open space, and building density are discussed and solved with input from the community.

I am also advised that due to the unusual process by which this scheme amendment was received and advertised the City and the community are concerned that the applicant now has legal rights to force the automatic adoption of the draft Local Development Plan by arguing their case in the State Administrative Tribunal. This would prevent the concerns of local residents from being taken into account and void all outcomes of community consultation.

I recommend the Committee consider investigating whether the applicant now has legal rights to force the automatic adoption of the draft Local Development Plan by arguing their case in the State Administrative Tribunal. Further investigation may include identification of ramifications that may result from the City incorrectly advertising the proposal as four stories instead of five and six, and whether there should be grounds by which Council can request that a rezoning exercise be started from scratch after such errors have occurred.

Thank you for your consideration.

Yours sincerely



Alanna Clohesy MLC

MEMBER FOR EAST METROPOLITAN

14 September 2018