



Minister for Transport; Planning; Lands

Our Ref: 72-04566
Your Ref: Petition No. 11



Hon Matthew Swinbourn MLC
Standing Committee on Environment and Public Affairs
Parliament House, 4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Swinbourn

PETITION NO. 11 - ALFRED COVE WAVE PARK (TOMPKINS PARK)

Thank you for your letter of 17 August 2017 regarding the above matter.

I am advised that a development application for the Wave Park Surf Sports Recreation and Leisure Facility proposed by Urbnsurf (Perth) Pty Ltd at Lot 39 (owned by the City of Melville freehold) and portion of Crown Lot 9789 (R35486) Tompkins Park, Canning Highway, Alfred Cove has not yet been submitted for consideration.

The land is currently occupied by the Melville Bowling Club and is predominantly reserved Parks and Recreation by the Metropolitan Region Scheme (MRS). The land is marginally affected by the Primary Regional Road Reservation for Canning Highway and is affected by a Swan River Trust Development Control Area (DCA) and Bush Forever Site 331.

I understand the City of Melville, the community and the applicant have previously been advised that the subject site is located wholly within the DCA whereby any future development application would be submitted to the Department of Biodiversity, Conservation and Attractions (DBCA) and determined by the Hon Stephen Dawson MLC, Minister for the Environment, in accordance with Part 5 of the *Swan and Canning Rivers Management Act 2006*.

However, it has since been confirmed that a portion of Lot 39 which is reserved for Primary Regional Road purposes by the MRS is not within the DCA and therefore the Western Australian Planning Commission (WAPC) is the authority responsible for assessment of any future development application in accordance with Clause 30A of the MRS.

Further, the business case for the proposal indicates the value of the development would be in excess of \$7 million and therefore any future development application may be determined by the Metro Central Joint Development Assessment Panel (JDAP) in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Pursuant to Clause 30A of the MRS, the WAPC (or the JDAP as the determining body) is required to determine any application consistent with advice from the Swan River Trust. If the WAPC or JDAP does not agree with part or all of Swan River Trust advice, the matter on which there is not agreement is to be resolved by the Minister for Planning and the Minister for the Environment.

I am advised that DBCA and the Department of Planning, Lands and Heritage (DPLH) will be contacting previous correspondents to advise of the correct process that any future development application is expected to follow.

To support assessment of a future development application, the WAPC will seek the advice and comment of relevant supporting agencies such as Main Roads Western Australia (responsible for Canning Highway), City of Melville, Swan River Trust and DBCA. Assessment will also include, but not be limited to, consideration of environmental (including Bush Forever), access and amenity impacts.

I appreciate there has been significant public interest in this proposal and while there are no express provisions in the MRS for development applications to be advertised, the City of Melville or DBCA may choose to seek public comment independent of the WAPC's consideration of the proposal, in order to inform their advice or recommendation on the matter.

With regard to the second point of the petition, I can advise that a request to acquire the portion of Crown Lot 9789 required to facilitate the proposal has been received by DPLH from the City. That request is still being considered.

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

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Rita Saffioti', written in a cursive style.

**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING; LANDS**

14 OCT 2017