



**RESPONSE TO LAND OWNER FEEDBACK -
INFORMATION EVENINGS - MAY 2011 -
MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PROJECT**

Introduction

Two land owner information sessions were held in May 2011 to provide an update on the Maddington Kenwick Strategic Employment Area (MKSEA) project, with a particular focus on the findings and recommendations of the completed flora, wetlands and vegetation study.

A report on the information sessions, as prepared by the facilitator Brian Curtis Pty Ltd, is available on the City's website.

The City committed to providing answers to all questions raised at the information sessions and to any questions that may subsequently be asked through supplied feedback forms.

The questions raised at the information sessions are reproduced below, as drafted, with responses provided to each. Some questions have required interpretation and the City apologises if the responses have misinterpreted their intent.

Only four feedback forms were submitted following the information sessions. Questions contained within those forms are also reproduced below, with responses provided to each.

Questions raised at the Information Session 1 - 11 May 2011

1. When?

This question is presumed to be asking about the timeframes for planning and development of Precinct 1. Refer to the response to question 6.

2. How long?

This question is also presumed to be asking about the timeframes for planning and development of Precinct 1. Refer to the response to question 6.

3. 200m Buffer or 50m?

This question is interpreted in the following manner:

What is the required width of a buffer between development and an environmentally significant feature, such as a wetland or watercourse?

A buffer can be designated to assist in protecting the natural values of a wetland or watercourse. This is particularly important where surrounding land use is changing, which if not managed carefully could lead to loss of those values. A buffer is measured from the edge of a wetland's boundary and can take the form of public open space, or can remain in private ownership if there are sufficient controls in place to preserve the intended function of the buffer.

The Department of Environment and Conservation usually recommend a minimum 200m buffer is applied between industrial development and wetlands and watercourses that are going to be

protected. Alternatively, a site specific buffer can be determined through a detailed assessment as part of a planning proposal, such as an Outline Development Plan, taking account of the circumstances, such as the nature of the proposed land use and the type and condition of the wetlands or watercourse and the buffer area.

You can read more about this subject by using the following link to the Department's website:

<http://www.dec.wa.gov.au/content/view/3503/1936/>

4. Who is paying?

This question is not understood.

5. How much?

This question is not understood.

6. What precinct is 3-5 years?

It is presumed that this question asks which precinct may take three to five years before development is possible.

Precinct 1 is likely to be the first part of the project area able to be developed, though this would be subject to various approvals being obtained.

The key planning steps that need to be undertaken include:

- An amendment to the Metropolitan Region Scheme (MRS).
- An amendment to City Town Planning Scheme No.6 (TPS 6).
- An Outline Development Plan (ODP) and associated management strategies to provide a framework to guide subdivision and development.
- Arrangements to fund the cost of providing infrastructure to service new development, such as sewer, water, drainage, electricity, gas, telecommunications and roads.
- Applications for subdivision approval.
- Applications for development approval.

It is estimated that it could take between three and five years to go through these steps. As there are various Government bodies involved and the potential exists for issues to arise through the assessment processes, this timeframe is indicative only.

Timeframes would also be influenced by the level and degree to which resources are allocated by State and Local Government to progress planning and the role land owners may take in either initiating planning or simply having input into planning processes and raising issues that take time to resolve.

In some circumstances, State or Local Government may decide to fund some of the costs of planning, particularly those that involve coordination over broader planning proposals across multiple land holdings, though this may not always be appropriate or possible for a variety of reasons.

In the case of the MKSEA project, the City of Gosnells, with assistance from the Department of Planning has funded various investigations and studies to progress elements of the required planning for the area.

This has led to an amendment to the MRS to rezone Precinct 1 from Rural to Industrial being initiated by the Western Australian Planning Commission. This amendment is waiting for the consent of the Minister for Planning to be advertised for public comment.

A flowchart of the MRS Amendment process can be found in the document available using the following link:

<http://www.planning.wa.gov.au/Plans+and+policies/Publications/1468.aspx>

(This document is recommended reading for those wanting to understand more about the WA Planning system)

At this stage, the City of Gosnells, while generally keen to do what it can to facilitate further planning of the MKSEA, has made no specific commitment to fund other specific parts of the planning required for Precinct 1. Further funding will be a matter given consideration as the MRS Amendment progresses.

It is typical in most areas identified for potential development for land owners to fund the cost of completing the work required to obtain the necessary approvals and provide new development infrastructure. The preparedness of land owners to fund planning costs and take a cooperative approach to development can significantly reduce the time needed to progress planning.

7. Sinking ship - SS Precinct 1

It is not clear why this comment was made.

8. How long before it is advertised for public comment?

It is presumed that this question relates to when the MRS Amendment for Precinct 1 will be advertised for public comment.

As mentioned in the response to question 6, the MRS Amendment is currently before the Minister for Planning. A decision is understood to be imminent, though the City cannot control nor confirm specifically when it may be made.

The WAPC is responsible for conducting the public consultation phase on MRS Amendments. The City will encourage the WAPC to provide ample opportunity for affected land owners to obtain information about the proposal and have their say and will assist this where possible.

9. If owners contribute funds, will the Council do the organising?

It is presumed that this question is asking that if land owners were to contribute funds for planning of MKSEA, would the City of Gosnells facilitate the planning exercise.

The City's potential involvement would depend on what aspect of planning it may be asked to facilitate and the resources it has available to do so.

10. Why can't the area on the southern side of Kelvin Road be rezoned now?

The land on the southern side of Kelvin Road is included in the proposed MRS amendment for Precinct 1.

11. What are the restraints on 3A having the MRS amendment concurrently with Precinct 1?

The MRS Amendment for Precinct 1 is further advanced than any similar proposal for Precinct 3A.

Preparing a request to the WAPC to make an amendment to the MRS for Precinct 3A would involve a substantial amount of work, including determining the desired direction to take for this part of the project area, the preparation of a District Water Management Strategy and obtaining a resolution of support from Council - none of which has commenced.

However, the completion of the flora and vegetation study, the two-year water monitoring program and other previous investigations provide a good basis upon which to consider what direction to take.

Preparing an MRS Amendment for Precinct 3A will be a matter for Council to give consideration to as part of a report that will soon be prepared by City staff on the future resourcing and direction of the project.

It would also be open to land owners in Precinct 3A to collaboratively fund the cost of completing the work required to submit a MRS Amendment proposal.

However, modifying the MRS Amendment for Precinct 1 to include Precinct 3A would involve holding this proposal back and significantly delay its progress.

12. Will we be informed if decisions regarding 3B affect 3A?

Yes. Any proposed zoning change, ODP or policy for any part of the project area will be widely consulted on prior to decisions being made.

13. How long has Landcorp been involved and when will the report to Cabinet become public?

The City has been encouraging Landcorp's involvement in the MKSEA project for several years and will continue to do so. The City cannot comment on whether Landcorp will make any of its reports publicly available, but will continue to monitor the situation.

14. 3A have submitted a petition to Council of 100% unanimity of support for rezoning, how do Council then believe support is fragmented?

The City is aware of the strong support of land owners in Precinct 3A for rezoning.

The City did not suggest at the information session that it believed support for rezoning among land owners in Precinct 3A is fragmented. The comment made was that the City recognises the fact that land in the MKSEA project area is fragmented into many individual land parcels that are owned by many individuals, which presents a significant challenge to planning of the area.

15. Why do you require our names and addresses?

Names and addresses of those who attended the information sessions were recorded so that the City can be aware of who it provided information about the project to. Attendee details will not be disclosed to third parties.

16. What is the timeframe for 3A?

It is presumed that this question is asking what the timeframe for planning and development of Precinct 3A will be.

Questions about project timeframes are frequently asked and it is impossible to reliably define how long the complete planning process will take for various reasons.

Similar to Precinct 1, there are several key planning steps that need to be undertaken, including:

- An amendment to the Metropolitan Region Scheme (MRS).

- An amendment to City Town Planning Scheme No.6 (TPS 6).
- An Outline Development Plan (ODP) and associated management strategies to provide a framework to guide subdivision and development.
- Arrangements to fund the cost of providing infrastructure to service new development, such as sewer, water, drainage, electricity, gas, telecommunications and roads.
- Applications for subdivision approval.
- Applications for development approval.

Timeframes will be influenced by the level and degree to which resources are allocated by State and Local Government to progress planning and the role land owners take in either initiating planning or having input into planning processes.

As mentioned in the response to question 11, the resourcing and direction of the project is a matter that needs to be considered by Council in light of the findings and recommendations of the completed studies and this will be addressed in a future report.

There are various Government bodies involved and the potential exists for issues to arise through the planning assessment processes, which further hampers the ability to provide definitive timeframes.

It is typical in most areas identified for potential development for land owners to fund the cost of completing the work required to obtain the necessary approvals and provide new development infrastructure. The preparedness of land owners to fund planning costs and take a cooperative approach to development can significantly reduce the time needed to progress planning.

17. What are the implications of the buffer zone?

The response to question 3 provides some background to the likely requirement for a buffer between wetlands and watercourses and adjacent development.

The main implication is that it will restrict the extent of land which may be developed.

There may be other implications, depending on whether the buffer is required to be given up as a public reserve, such as parkland, or is to remain in private land ownership. These implications would need to be addressed through the planning process.

18. What is the relevance of soil and water studies to be extended when sites are engineered in development?

The environmental and other physical conditions of a site need to be well understood to inform engineering design.

19. What are the implications for 3A if the MRS is changed to Residential not Industrial?

If this eventuated, then land in Precinct 3A would potentially be able to be subdivided and developed for residential, rather than industrial purposes.

This could have a range of different implications. In the planning phases, this would likely influence how the proposed form and structure of planned development responds to environment factors, the level of required access and infrastructure servicing and what planning controls are required. There could also be financial implications for the broader community, the City and individual land owners, but these have not been quantified.

20. Is the WAPC in favour of rezoning 3A to Industrial, being the area north of 3A up to Welshpool Road and west of Coldwell Road is recommended by WAPC to be rezoned Industrial?

The City cannot speak for the Western Australian Planning Commission, however it is understood that the Shire of Kalamunda has recently resolved to advertise a draft Local Planning Strategy for public comment.

The draft Strategy identifies that the part of the Shire between Welshpool Road and the northern boundary of Precinct 3 is potentially suitable for industrial development. It is understood that the Shire consulted with the Department of Planning (who provide advice to the Commission) in the preparation of the draft Strategy. The Commission will be required to formally consider the draft Strategy following the consultation phase and the Shire's deliberation of public submissions it receives.

21. Has the flora, vegetation and wetlands report been adopted by EPA? Is it open to challenge?

The study report was forwarded to the Department of Environment and Conservation for its information, but it has not adopted it as such, as it is only a technical report rather than a formal proposal.

The study report may ultimately be used as a basis upon which future planning proposals are drafted, which would likely involve further consultation and provide the opportunity for land owner input.

In the meantime, if a land owner considers that the findings of the study are flawed or are in some way inaccurate, it is open to them to raise their concerns with the City.

22. How long will it be for Residential compared to Industrial? Time frames?

Refer to the response to question 16.

23. Which type of development suits the flora, vegetation and wetlands report best? Has the Council adopted a particular view?

Council has not formally considered the study report and therefore has not adopted a particular view.

As mentioned in the responses to questions 11 and 16, the resourcing and direction of the project is a matter that needs to be considered by Council in light of the findings and recommendations of the completed studies and this will be addressed in a future report.

24. Can any type of development - Industrial or Residential occur in 3A without landowner contribution/ participation?

The planning steps that need to be undertaken for Precinct 3A were outlined in the response to question 16. The first four of these steps each require consultation with affected land owners.

25. Can the government pre-fund?

It is presumed that this question is asking if it is possible for the Government to pre-fund the cost of required planning and development of the MKSEA area.

In some circumstances, the Federal, State or Local Government may decide to fund some of the costs of planning, particularly those that involve coordination over multiple land holdings, though this may not always be appropriate or possible for a variety of reasons.

In the case of the MKSEA project, the City of Gosnells, with assistance from the Department of Planning has funded various investigations and studies costing in the order of \$550,000 to progress elements of the required planning for the area. A substantial amount of City staff time has also been invested.

As mentioned in the responses to questions 11, 16 and 23, the resourcing and direction of the project is a matter that needs to be considered by Council in light of the findings and recommendations of the completed studies and this will be addressed in a future report.

The City's website contains all of the reports prepared in relation to previous studies and investigations and plans drafted on the project to date.

26. How are the study and planning costs allocated to each precinct?

The costs incurred by the City in undertaking the various studies and investigations for the MKSEA project have not been allocated to any particular precinct.

27. How are the areas known as "Bassendean Sands" identified on the map?

The extent of Bassendean sands is reflected on Figure 6 of the wetlands and vegetation study report, which can be viewed on the City's website.

28. When is it envisaged that the 3 month public comment will happen?

It is presumed that this question is referring to the public consultation on the proposed MRS Amendment for Precinct 1. Refer to the response to question 8.

29. Precinct 1 - at what stage will the Shire fund the ODP?

Council has not made any commitment at this stage to fund the cost of preparing an Outline Development Plan for Precinct 1, or for any other part of the project area.

It is recognised that such a plan is required to provide a coordinating framework to guide subdivision and development.

Council may in future consider funding the cost of preparing an Outline Development Plan if it is of the view that one is not likely to be funded by land owners and the allocation of municipal funds, if available, for such a purpose would be for the benefit of the broader community.

Making this determination at the stage could be considered to be premature, given that the MRS Amendment for Precinct 1 is still at an early stage.

30. Proposals referred to Federal Environment Agency. Has this been approved by WA Environmental protection?

The proposed MRS Amendment for Precinct 1 was referred by the Western Australian Planning Commission to the Environmental Protection Authority, who determined that formal environmental assessment under State legislation was not required. It did not suggest that referral to the Federal environmental agency (Department of Sustainability, Environment, Water, Population and Communities) was required.

It is possible that subsequent planning proposals, including required Town Planning Scheme No.6 amendments, Outline Development Plans or applications for subdivision and development, may need to be referred for State and Federal environment assessment depending on what is proposed and the characteristics of the subject site.

31. Is there a consideration to partition Precinct 1 into A & B by Kelvin Road once ODP commences?

Council has not adopted a formal position on this matter.

The delineation of precinct boundaries in any planning project is often open to debate and review. The main objective would be to ensure planned development is appropriately coordinated and adequate provision is made for a functional road layout, sensible land use allocation, drainage management and sufficient infrastructure servicing in an effective and equitable manner.

It may be appropriate to consider allowing Precinct 1 to be divided into two sub-precincts for the purpose of preparing separate Outline Development Plans, in which case Kelvin Road may be a suitable boundary.

The key consideration is likely to be whether it would be appropriate to allow a plan to be considered in one part of the precinct ahead of a broader plan being approved for the wider precinct and still maintain the ability to appropriately guide the overall development form and structure.

32. How much money is allocated to this project by the Council?

The City has spent \$441,017 and has an additional \$109,714 committed on various studies and investigations for the MKSEA project to date. A substantial amount of City staff time has also been invested.

Project expenditure incurred/committed to date has funded the following activities:

Initial Environmental Study - \$10,200
Servicing Study - \$32,806
Transport Study - \$15,169
Water Monitoring - \$305,768
District Water Management Strategy - \$78,588
Flora, Wetlands and Vegetation Study - \$75,099
Aboriginal Heritage Study - \$4,991
Land Owner Consultation - \$28,110

Approximately \$160,000 of this expenditure was acquitted as a grant from the State Government through the Maddington Kenwick Strategic Communities Partnership in 2009.

Council has allocated a further \$266,190 for progressing elements of the required planning for the project.

Undertaking the complete range of planning tasks for the entire MKSEA is anticipated to cost well in excess of the funds that are currently allocated to the project. While Council may consider allocating additional funds, which would be subject to the usual budgetary processes and assessed in the context of other demands on its resources, it is recognised that external funding, either from private sources or from Government, would help achieve further progress.

33. Do the owners of Precinct 1 have to wait until all studies are completed in relation to Precincts 2 and 3B?

It is presumed that this question is asking if the progression of planning in Precinct 1 is dependent on the completion of studies in Precincts 2 and 3B.

It is not presently envisaged that this would be the case.

34. What, if any, rare species have been identified in Precinct 1? (BF53)

Numerous plant species have been recorded in the MKSEA area, including Precinct 1, some of which are classified as rare by State and Federal environmental agencies.

A complete list is included in the flora, wetlands and vegetation study report that is available on the City's website at:

www.gosnells.wa.gov.au (click Services, then Planning, then Major Projects, then MKSEA)

35. Is the photo (black boys etc) actually taken of the area in question?

It is presumed that this question is referring to the photograph on the front of the wetland and vegetation study report summary handed out to attendees at the information session.

The photograph was taken within the project area.

36. Process of 3-5 years is too long - we waited 10 years!!

The City understands the frustration of land owners in respect to timeframes with the project.

The time taken on the project reflects the high degree of complexity of the planning and environmental issues, the significant constraints to development that exist and other demands on the resources of the City.

Substantial time and City resources have been invested in the project to date and a considerable amount of time is likely to transpire to progress planning into the future.

If land owners are not satisfied with the timeframes, then it is open to them to invest their own resources into the progressing planning of the area. The same issues that the City is attempting to tackle would need to be addressed.

37. How does one challenge the accuracy and recommendations of the flora report?

Refer to the response to question 21.

38. Who, how and when compensates landowners who are affected by CCW?

The classification by the State Government of land in the conservation wetland category does not in itself give rise to claims for compensation.

The classification system helps shape how the environmental agencies like the Department of Environment and Conservation and the Department of Water may respond to planning proposals for development that involve potential impacts on wetlands.

There is extensive information available on wetlands on the Department of Environment and Conservation's website at:

<http://www.dec.wa.gov.au/content/category/31/781/1556/>

Compensation is a complicated issue and it is beyond the scope of this document to provide a sufficiently comprehensive response.

Refer to the response to question 58 for additional comment.

39. When will the last legislative hurdle be cleared?

Refer to the responses to questions 6 and 16.

40. What do the landowners have to do to get the ODP started?

It is presumed that this question is asking what would be involved in preparing a landowner-initiated Outline Development Plan.

The first step would be to seek quotations from planning consultants on the scope of works and costs involved in preparing a plan.

Once quotations were provided, the next step would be to select and engage the consultants. Sourcing funds to meet their costs would likely to be the first challenge to address.

The City's Town Planning Scheme No.6 and the Western Australian Planning Commission's Liveable Neighbourhoods Community Design Code set out requirements to be addressed in preparing an Outline Development Plan (or Structure Plan as they are often referred to).

41. Is Council prepared to help get ODP to work parallel with MRS?

There are two components to this question.

The first component relates to whether an Outline Development Plan could be progressed in parallel to the MRS Amendment. The short answer is that this may be possible. An Outline Development Plan can be prepared at any time. The key consideration would be whether it would be appropriate to approve the plan in advance of the MRS Amendment being finalised and this would depend on the specific circumstances.

The second component of the question relates to whether the City would assist with the preparation of an Outline Development Plan. The City would certainly have a role in consulting and assessing any plan that was submitted. Whether the City would undertake the tasks involved in preparing such a plan, was addressed in the response to question 29.

42. Is there anyway a landowner can get things moving faster?

It is typical in most areas identified for potential development for land owners to fund the cost of completing the work required to obtain the necessary approvals and provide new development infrastructure. The preparedness of land owners to fund planning costs and take a cooperative approach to development can significantly reduce the time needed to progress planning.

43. As individual landowners we don't have the capacity to work on our own?

It is recognised that the highly fragmented land parcels held in multiple land ownership presents a significant challenge to planning of the MKSEA project area.

44. Have any developers made enquires to get things rolling?

The City regularly receives enquiries from people interested in the development potential of land in the MKSEA project area. Some of these enquiries may have been from prospective developers, though it is not always possible for the City to establish the enquirer's intent.

Questions Raised at Information Session 2 - 12 May 2011

45. Rare species restricts development of the property. To what extent is the restriction?

The answer to this question would depend on what property is being referred to and the type of vegetation or floristic community that may be present. It is possible that development may be significantly restricted, somewhat restricted or not restricted at all.

46. Can the rare species be relocated?

If the rare species are plants or a plant community, it is unlikely to be either economically feasible or successful to do this.

There may be potential to successfully relocate important fauna (ie animal) species, if necessary.

47. What are the options to perform development around the species or other restrictions?

This would have to be the subject of detailed site specific analysis and the preparation of planning proposals and management strategies to determine.

48. What is the impact on land values, and what can you do with your property with rare species?

The City is not qualified to comment on what impact the presence of rare species may have on land values.

The answer to this question on what can be done with a property with rare species would depend on what property is being referred to and the type of vegetation or floristic community that may be present. It is possible that the use of the property may be significantly restricted, somewhat restricted or not restricted at all.

49. We are lost as to why it has taken until now for Landcorp to help fund a priority project?

It was mentioned in the City's presentation at the information session that Council made a submission in response to the Western Australian Planning Commission's draft Industrial Land Strategy that advocated that the MKSEA project should be afforded a higher level of priority than was indicated.

It was also mentioned that there appeared to be some receptiveness with the State Government to Council's submission based on discussions held with key staff.

However, the Commission is yet to finalise the draft Strategy and Landcorp has not agreed to fund any aspect of the MKSEA project at this point in time.

50. We have asked time and time (again) for someone to answer openly!

The City has always endeavoured and will continue to endeavour to answer land owners' questions openly.

51. 3B to compensate A

This comment/question is not understood.

52. Subdivide to 5 or 1 acre lots?

It is presumed that this question is asking if provision can be made to subdivide land in Precinct 3B into smaller lots of either approximately 4000m² or 20,000m².

Responsibility for the determination of applications for the subdivision of land rests with the Western Australian Planning Commission.

The Commission generally has a presumption against the subdivision of land that is zoned Rural in the MRS or local Town Planning Scheme.

From the City's perspective, if it was asked to comment on any application lodged at the present time to subdivide land in Precinct 3B into smaller land parcels, it would be likely to recommend the proposal be refused as additional land fragmentation would be likely to only further complicate what is already a difficult task of achieving coordinated, comprehensive planning, particularly in the context of the environmental constraints on the area imposed by the Yule Brook and Greater Brixton Street wetlands, and potentially be detrimental to those important environmental features.

In the longer term if the planning process for Precinct 3B was to establish clear parameters for more intensive use and pattern of subdivision than is presently the case, then applications for subdivision may potentially be able to be more positively considered.

53. Industrial development to help Brook maintenance

It is presumed that this comment/question suggests that industrial development may actually assist to ensure maintenance of Yule Brook.

It is not clear how this might be the case, however the City would be open to the prospect of assessing a proposal to do so should one be submitted by land owners.

54. Is there an indicative timetable of what the development steps are? 2yrs? 5yrs?

It is presumed that this question relates to Precinct 3B.

There is not an indicative timeframe for development of this area.

The position adopted by Council for Precinct 3B, as outlined on the MKSEA Concept Plan adopted in July 2008, is that:

'...it is not considered appropriate at this time to provide for any form of industrial development in the precinct. As such the status quo should remain (ie the area being used for semi-rural living purposes) until or unless further investigations warrant a review of this position.'

Investigations completed since Council adopted the Concept Plan further support this position.

It is recognised that substantial further work would be needed to progress planning in Precinct 3B and the allocation of funds to this work needs to be considered in the context of the broader issue of to what extent Council should further resource the MKSEA project given the implications of the findings and recommendations of the completed studies.

If parts of the project area are either not suitable for development or may not be known if they are suitable for development without further investigation, then it is recognised that there would be some merit in establishing clear guidance on land use and development in Precinct 3B, in both an immediate and a longer term future.

These matters will be addressed in a future report to Council.

55. Buffer: Please tell us the land over from Mills Park where the Yule Brook flows against the land heights in 3B?

This question is not understood.

56. As no buffer to speak of in Mills Park area but you take 200m in 3B- Why?

It is presumed that this question is referring to the manner in which Yule Brook flows through Mills Park and the related buffer requirements that apply there compared to land in Precinct 3B.

The background to the requirement for a 200 metre buffer between industrial development and an adjacent watercourse was explained in the answer to question 3.

A 200 metre buffer to Yule Brook where it exists within Mills Park is not required, as Mills Park is public parkland and not the subject of investigations for potential industrial development.

57. Busy road Bickley Road- What controls are going to be put in place for more safety?

This question appears to be a comment about the level of traffic currently experienced in Bickley Road. It is not clear if the question is referring to what controls might need to be put in place to deal with the current situation, or if it relates to what might be required in future if there was development permitted in the MKSEA.

If the question relates to the current situation, then any concerns should be raised with the City's Technical Service branch, which are responsible for reviewing what improvements may be required to manage traffic safety in the local road network.

If the question is about the potential future situation, then management of the impacts of development on the existing and proposed road network would need to be addressed through an Outline Development Plan and proposals for subdivision and development of nearby land.

58. What compensation does the property owner get for conserved land?

This is a question that to respond to completely would involve a long and complicated answer, which is beyond what this document can provide.

The short answer is that it would depend on the circumstances and will need to be resolved through subsequent planning and possibly legal processes.

If land with conservation value is reserved by the State Government under the MRS for Parks and Recreation purposes, then the information available on the link to the WA Planning Commission's website provides a good overview of the acquisition process:

<http://www.planning.wa.gov.au/The+planning+system/Region+schemes/Your+property+and+region+schemes/default.aspx>

Not all land required for conservation is reserved under the MRS. Sometimes land may be required for protection within property retained by individual owners. No compensation would necessarily be payable in this circumstance.

When land is required to be set aside for conservation as part of a development being undertaken, it is usually required by the State Government to be given up as a public reserve free of cost, with no compensation paid.

This can be an onerous requirement if the land required for conservation is large in proportion to the land that may be developed.

The City of Gosnells in the past has sought to address the inequity of conservation requirements being imposed on private land owners by establishing development contribution arrangements that collect contributions from those owners who can develop their land to compensate those who cannot due to being required to provide land for environmental reasons.

The State Government in recent times has generally not allowed for compensation for giving up land for conservation purposes to be paid from development contribution arrangements in other parts of the City where similar issues are present, which presents a key challenge in facilitating effective and fair planning outcomes in fragmented, environmentally-constrained project areas like the MKSEA.

It is recognised that this issue will be of significant interest to all land owners within the MKSEA and will need to be addressed through subsequent stages of planning.

59. Areas deemed "flood plain"- Impact insurance? (re Queensland Floods)

It is presumed that this question is referring to Yule Brook and implications for insurance claims in the event of flooding.

Most of Yule Brook is a Water Corporation-managed watercourse. The Corporation was responsible for defining the floodplain associated with Yule Brook where it traverses Precinct 3B.

The City cannot answer this question and suggests that it be directed to the Water Corporation if it is of concern.

60. Any area of wetland affected by salt?

Neither the flora, vegetation and wetlands study, nor the water monitoring undertaken has detected elevated levels of salinity in surface or groundwater in the project area.

61. How much longer for final resolution - Precinct 2?

There is not an indicative timeframe for development of this area.

The position adopted by Council for Precinct 2, as outlined on the MKSEA Concept Plan adopted in July 2008, is that:

'...the type and extent of future development is dependent upon a range of environmental, infrastructure, drainage and planning considerations'.

Investigations completed since Council adopted the Concept Plan indicate Precinct 2 is substantially constrained for development.

It is recognised that substantial further work would be needed and the allocation of funds to this work needs to be considered in the context of the broader issue of what extent Council should further resource the MKSEA project given the implications of the findings and recommendations of the completed studies.

If parts of the project area are either not suitable for development or may not be known if they are suitable for development without further investigation, then it is recognised that there would be some merit in establishing clear guidance on land use and development in Precinct 2, in both an immediate and a longer term future.

These matters will be addressed in a future report to Council.

62. What new environment study report released - this will lower the land value of Precinct 2, How will the City deal with this?

The City has no control over how land may be valued in the real estate market. The City's role in MKSEA currently relates to investigating the potential for development in the area. If those investigations have found there to be land which has environmental constraints, the City cannot be accountable for the impact those findings may have on land values in the same way as if those findings were made by investigations carried out by other external parties.

63. What is the point of paying rates if there is no potential for development in the future?

The City collects rates from land owners to pay for wide range of public services and facilities, including maintenance of roads, parks and community buildings, collection of waste and provision of social programs. While the City uses collected rates to also plan for the future development of the district, it is not the City's role to specifically create additional development potential for an individual property or group of properties.

64. Are landowners allowed to keep livestock in Precinct 2?

Most of Precinct 2 is zoned General Rural, with the exception of land reserved by the State Government for Parks and Recreation in the Greater Brixton Street Wetlands. The keeping of livestock is generally allowed under the rural zoning, though restrictions may apply if for commercial purposes or involving certain livestock, stocking rates and the specific environmental characteristics of a property.

65. If property has rare flora, do Government/ Council acquire the land and compensate the landowner?

Refer to the response to question 58.

66. If permits are granted for land use why can't the permits be transferable to make properties saleable?

Most land use activities that are permitted by a planning approval run with the land subject to that approval. In other words, if a property is sold, the new owner can continue to use the land in accordance with the terms and conditions of the planning approval. An exception is an approval for commercial vehicle parking, which is issued personally to the applicant and does not run with the land.

Planning legislation does not allow for approvals to transferred between different properties, as the circumstances and context of each property can vary.

67. Does CCW land as shown on the map include the 200m buffer zone?

It is presumed that the question is asking if the boundaries of the conservation category wetlands shown on the plans that were laid out on the tables at the information sessions (Figure 14 of the flora, vegetations and wetlands report) include 200 metre wide buffer zones.

The answer is no - buffers would be additional.

68. We are on the north side of Victoria Road, with development of Precinct 1, does this mean we will be looking at the rear of Industrial properties?

If land in Precinct 1 is developed for industrial purposes, then properties on the north-western side of Victoria Road would lie opposite and have a view towards this development. The view of development from Victoria Road will be dependent on the form that it might ultimately take. This will not be determined until an Outline Development Plan is approved and plans for subdivision and development are made. It is possible that the view could be towards the front, rear or side of industrial premises, or a combination of all three.

The development control process and the level of attention paid by developers to the quality of the built form will largely shape the external appearance of new development.

69. Allow owners to subdivide into 5 acre lots.

Refer to the response to question 52.

70. Why if all this flower and fauna so important- why wait 3 years?

The flora, wetlands and vegetation study took considerable time due to the need to undertake numerous field surveys at different times of the year, as well as time needed to complete the substantial amount of reporting required.

71. Where in 3B is Aboriginal heritage significance?

The City commissioned preliminary investigation of Aboriginal Heritage in 2009. The investigation was undertaken by consultants Australian Cultural Heritage Management (ACHM).

ACHM found that the MKSEA contains eight recorded heritage sites on the Department of Indigenous Affairs database, though six of these have previously been found to be unreliably mapped. ACHM consider that there is medium potential for the project area to contain unrecorded archaeological and ethnographic sites, including possible mythological significance being associated with the Yule Brook.

Three recorded sites lie in Precinct 3B and two are close by. ACHM indicated that any works near the sites without written consent from the Minister for Indigenous Affairs risk detrimental impacts that may be a breach of the Aboriginal Heritage Act 1972.

ACHM also recommended that further surveys be completed to try to more accurately determine the location of heritage sites and a strategy be adopted to ensure compliance with legislation.

The complete report is available on the City's website.

72. Yule Brook drainage special? As you know we hold letters to suggest change of directions?

It is suggested in the studies undertaken to date that Yule Brook has been an important factor in creating the unique environmental characteristics in the project area. It is recognised that its alignment may have been modified and its hydrological regime altered, but the fact remains that it still has an important ecological and drainage function to fulfill and will influence the form and shape of development possible in the abutting area.

73. Are we going to get resumed? (Boundary Road)?

The City currently has no plans to resume any land in the MKSEA.

74. What is the path forward long term since "phase out" and regulated terminology is used?

This question refers to the recommendation made in the flora, wetlands and vegetation study report that existing land use activities that are incompatible with conservation and resource enhancement wetland management should be regulated and phased out (see page 5 of summary - paragraph 2).

It is recognised that this is a potentially significant recommendation. Like all recommendations in the report, it has not yet been considered by Council. This will be occurring in the near future. Details will be published on the City's website and e-newsletter as to when this will occur.

75. Please clarify paragraph 2 on page 5?

Refer to the response to question 74.

76. Why have rates more than doubled on REW Brentwood Road area and land taxes gone up too? Has MKSEA contributed to these increases?

Rates are calculated by multiplying a property's valuation by the rate in the dollar set by Council. The valuation for each property is determined by the Valuer General's Office and is either a Gross Rental Value (GRV) or Unimproved Value (UV).

GRV is the fair annual rental value of a property and is an estimate of how much rent could reasonably be expected to be collected if the property were to be rented. Where the property is vacant land, an equivalent GRV, based on 5% of the property value, is used.

The valuation of each property appears on the annual rates notice.

The fact that land is located within the MKSEA project area would have little bearing on rates.

Ratepayers who are dissatisfied with their valuation may object provided they do so within sixty (60) days from the date at which the rate notice is issued.

Further information can be obtained at:

<http://www.landgate.wa.gov.au>

77. If blue MU wetland what will/could the zoning get classified use?

The classification by the State Government of land in the multiple use wetland category does not in itself change the zoning of land under either a regional or local town planning scheme.

The classification system helps shape how the environmental agencies like the Department of Environment and Conservation and the Department of Water may respond to planning proposals for development that involve potential impacts on wetlands.

Multiple use category wetlands are generally not a constraint to development, though often require particular consideration of fill and drainage requirements.

Potential changes to the zoning of land will be determined by other factors such as the future intended land use, servicing considerations and the ability to coordinate development.

78. If light green REW - If not upgraded what will the use get classified as?

The classification by the State Government of land in the resource enhancement wetland category or recommendations made in the flora, wetlands and vegetation study report do not in themselves change the zoning of land under either a regional or local town planning scheme.

The classification system helps shape how the environmental agencies like the Department of Environment and Conservation and the Department of Water may respond to planning proposals for development that involve potential impacts on wetlands.

Resource enhancement use category wetlands can be a constraint to development.

Potential changes to the zoning of land will be determined by the future intended land use, wetland conservation and servicing considerations and the ability to coordinate development.

79. When will the REW be decided (ie. upgraded to CCW) - what does this mean?

The recommendations to change the classification of wetlands to a higher level of protection, if ultimately adopted and effected, would be likely to significantly limit the potential extent of development.

The recommendations have not yet been considered by Council.

An explanation of the wetland management classification system is contained in the document available at:

http://portal.environment.wa.gov.au/pls/portal/docs/PAGE/DOE_ADMIN/POLICY_REPOSITORY/AB1144266/WETLANDS%20POSITION%20STATEMENT.PDF

80. Revegetation to make into Conservation Category - time frame?

Refer to the response to question 79.

81. If so, does government buy or compensate property owners?

Refer to the response to questions 38 and 58.

82. Buffer 200m, is this inclusive of the creek? Yule Brook has less than 5m and housing?

Refer to the response to question 3.

83. Brook re-direction and dug out so not a natural waterway! Culverts run into from the areas?

Refer to the response to question 72.

84. DEC information a lot of bureaucratic bull** - buffer zones?**

This sentiment is noted. Refer to the response to question 3 in relation to buffers.

85. Should be looking to keep the recommendations that have been prescribed.

This sentiment is noted.

86. Is the State Government or City of Gosnells that override these silly recommendations?

The City's main role to date has been to lead the initiative of investigating the development potential of the project area.

The recommendations have been provided by independent consultants with impeccable credentials and specialities engaged by the City to provide an impartial analysis of the environmental characteristics of the project area.

The recommendations do not automatically change the zoning of land or how land may presently be used or permitted to be used.

They may be used to inform the various considerations and processes involved in preparing and progressing plans for development of the project area.

Most key planning decisions, whether it be changes to zoning or the adoption of Outline Development Plans or subdivision applications are ultimately the responsibility of the State Government, through the Minister for Planning and the Western Australian Planning Commission. The City has input into these decisions as a regulatory planning authority.

Questions raised in Feedback Forms submitted since the Information Sessions

- 87. Been long surprise years waiting for the City of Gosnells to come up with a final plan for the Maddington Kenwick Strategic Employment Area. I have run out of questions, comments about the on going planning. I have put in for this previously and for me stay the same. Please do not let me wait any longer. I have been a rate payer for 47 years, and wish that the Council come to some firm decision pretty soon before my time finish.**

The City understands the frustrations with timeframes with the project and is doing all it can to progress planning for the area. Land owners should prepare themselves for the fact that it will still take a substantial amount of time to make further progress towards a final planning outcome, or consider undertaking action themselves to progress planning.

- 88. In the light of the reports presented at the meeting 12/5/2011 - with regards to Area 2, what is the time frames for conclusion, to the proposal, as we are in our eighth year of limbo, I want to get on with life, and in the light of the reports what is the Councils next move?**

Refer to the response to question 61.

- 89. If another ground water survey is to be carried out when will it commence and for what length of duration?**

A draft report on the completed water monitoring program was received a couple of weeks after the Information sessions and is currently being reviewed by City staff.

The report provides details of the monitoring undertaken and recommends that additional monitoring and further investigations be carried out. Quotations for additional work have been provided and need to be considered by Council as the costs are substantial and have resourcing implications for the City.

The need for additional investigations and time and cost implications will be addressed in a future report to Council.

- 90. Should the land holdings in area 2, have their use restricted, no doubt the question of compensation will come up. What provisions are there in place for compensation, as the properties will be devalued?**

Refer to the responses to questions 58, 74 and 86.

- 91. Very disappointed in long break for tea. So of course instead of being 24 questions it was only a few.**

The comment is noted. It is hoped that by providing this document, each question asked at the information evening is now answered.

- 92. Flora - mainly we only want an honest answer on how long Industrial is going to take so please let me know as I am very elderly I would like to move.**

Refer to the response to question 61.

- 93. Some of the issues raised at the information session may 2011 were not answered because of further investigations needed or insignificant data to give a full answer. I hope that further investigation will be undertaken to answer these issues, and I hope to hear from you soon.**

This comment is noted.

94. **In regard to the flood plain- The water board have not and may not investigate further, if this is so will the City of Gosnells be undertaking a separate investigation? And if not what restraints if any may there be on the properties impacted by this flood plain?**

These questions appear to relate to the floodplain associated with Yule Brook. The City does not currently intend to undertake its own investigation of the floodplain. It has previously encouraged the Water Corporation to do so and has obtain contour information to help accurately map the brook's alignment.

The City understands the main implication on properties affected by the floodplain is a limitation on the approval of structures or landfill that may, if allowed, impeded the flow of water in the brook.

95. **In regards to Yule Brook having parallels to Indigenous cultural beliefs and conservation values, this issue was not addressed. As this is a 3B precinct issue what impact will this have on the properties that Yule Brook run along?**

Refer to the response to question 71.

96. **The City of Gosnells supporting to exclude precinct 3B from the development is both short-sighted and detrimental to land owners (rate payers). This is putting us in nowhere land. How can you say that by excluding this area from the concept plan is a way to conserve this area and eco-system!! As any development around this will have an impact on the land and biodiversity any way. It only makes sense to include and consider the area as a whole development.**

The comment is noted. If land owners feel that the constraints found through investigations undertaken by the City are inaccurate, unfair or do not exist, then it is open to landowners to prepare and submit their own planning proposals for consideration through the planning and environmental assessment systems.

97. **In regards to buffers placed on properties the amount that was proposed (ie 1,000 metres is extreme). Most areas adjoining us that run along Yule Brook are 5 to 10 metres and hasn't seemed to have impacted on the waterway. To state that we are now enlightened on the impacts of our waterways was condescending and to offhandedly say no to reimbursement or compensation is detrimental and not acceptable to land owners to be expected to take the loss on their properties as this will devalue the properties and make selling their land difficult.**

The comments are noted. Refer to the responses to questions 3, 17, 56 and 58.

98. **Many questions were put forward on what uses our property could be used for and was given a few answers, the most common one was "how can we sell or utilise our land/ properties if we have no idea on the zoning". It was stated we can put in for trucks being parked and these will be decided on case by case. How will this work and it isn't in the best interest of the land owners to have a mish-mash of Industries thrown among rural or housing. Surely development of the area as a whole will be much better?**

Most land in the MKSEA is zoned General Rural under the City's Town Planning Scheme.

The Scheme provides for a range of land use activities to be carried out - some which require planning approval and some which do not - while restricting others.

The complete list of permitted and restricted land uses can be obtained from the City's Scheme, available using the following link:

It is recognised that there is demand for land in the project area to be used for different purposes and that the potential exists for some of these uses to be in conflict with the predominant use of the area as low-density rural-residential. The development assessment process and Scheme compliance powers provide a couple of means through which to manage this potential conflict.

A comprehensive redevelopment of the area, consistent with sound environmental principles and carried out in a well-coordinated, planned and serviced manner, would likely to be preferable to the current situation. That is what the City has been working towards and at this point in time has simply paused briefly to bring land owners up to date with the findings of various completed studies that have been intended to provide a basis upon which to undertaken further planning.

99. If 3B precinct eventually becomes/ stays "Rural" for the time being due to restraints, will "special rural" blocks be considered?

Refer to the responses to questions 52 and 54.

Where to from here?

As mentioned several times in the question responses, the City is in the process of preparing a report for Council's consideration on the future direction of the MKSEA project.

The completed studies have made various findings and recommendations. These need to be formally considered by Council, particularly in the context of what the additional work that has been suggested is required will cost and whether it is appropriate for Council to fund this work. There are also broader questions to consider in respect to resources available for the project.

Part of the City's report to Council will be informed by a peer review panel that is soon to be formed to assess the work completed on the project, particularly the recently completed studies and their recommendations, and provide advice on appropriate options to move forward.

The City will also endeavour to ascertain what potential exists for further State Government involvement in the project.

The report will be prepared as quickly as is possible in the context of the resources available and the demands imposed by other City planning projects that are underway, though this could take several months.

Land owners will be informed when the report will be available and considered by Council.

The City will increasingly use its e-newsletter initiative to provide project updates and owners are encouraged to sign up on the City's website at www.gosnells.wa.gov.au (click E City, then E-newsletter subscriptions).