

**METROPOLITAN REGION SCHEME AMENDMENT NO 1020/33 - EGERTON ESTATE,
ELLENBROOK**

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Derrick Tomlinson was moved pro forma on 2 April -

That Metropolitan Region Scheme Amendment No 1020/33 - Egerton Estate, Ellenbrook published in the *Gazette* on 10 March 2004 and tabled in the Legislative Council on 11 March 2004 under the Metropolitan Region Town Planning Scheme Act 1959, be and is hereby disallowed.

HON DERRICK TOMLINSON (East Metropolitan) [11.20 am]: My reason for moving this disallowance is a concern for the protection of the Swan Valley. In 1993 the Court Government was elected. An electoral undertaking it brought to government was to give statutory force to the protection of the Swan Valley as an area for intensive horticulture and tourism. That was accordingly achieved through the Swan Valley Planning Act of 1995. The purpose of the Swan Valley Planning Act was to encourage traditional agriculture and other productive uses of the area, protect the environment and character of the area, reduce nutrient levels in the Swan River, and promote tourism. I chaired the interim Swan Valley Strategy Committee, which prepared the drafting guidelines for the Swan Valley legislation. Through a process of public consultation, we established the boundaries of the Swan Valley, which are part of the Act. Within the Swan Valley Planning Act, planning areas A, B, C and D and the planning values that attach to each of them are described. I take some pride in the fact that the Swan Valley is flourishing as a tourism precinct. The acreage under vines in the area has increased. We take some pride in Western Australian wines from areas such as Margaret River, Mt Barker, including Plantagenet Wines, and the great southern. Western Australia has established a worldwide reputation for its wine production in those areas. However, by far the greatest amount of wine produced in Western Australia is produced in the Swan Valley. The Swan Valley does not claim to pick the greatest number of berries, but it converts the greatest amount of juice into wine. It is very significant for that part of the State's economy.

The DEPUTY PRESIDENT (Hon Simon O'Brien): I ask those members who are having conversations around the Chamber to either keep their voices down, so that the member speaking can be heard, or to please move outside. It is difficult for Hansard and the Chair to pick up the quiet tones of Hon Derrick Tomlinson, and we really need to do so.

Hon DERRICK TOMLINSON: Mr Deputy President, I guess that all politicians thrive on vanity. If you will allow me the vanity, I take pride in the Swan Valley Planning Act. Therefore, I bring to this debate a personal commitment. I put that on the record so that no accusations can be made.

One of the issues that the interim committee gave thought to in establishing the boundaries was that portion of the area known as Egerton farm. Egerton farm covered more than 5 000 hectares and comprised at least two lots - lots 80 and 81. At the time the interim committee considered the boundary, lot 80, as I recall, was zoned urban deferred, and lot 81 was zoned rural. Lot 81 was bisected by Ellen Brook or, as the Western Australian Planning Commission would call it, a drain. Anybody who is familiar with the Ellen Brook area will recognise that it is a quite attractive piece of land. It has been degraded. I give full tribute to the owners of that land, the Roberts family, who have done a great deal to restore its visual amenity. They have done a great deal to restore Bull's Cottage, which is a significant heritage cottage, at personal expense. The land I am referring to was rural land. The Swan Valley Strategy Committee decided that the boundary of the Swan Valley planning area should be the cadastral boundary separating lots 80 and 81. In other words, to the west of the boundary was land earmarked for urban development, because it was already within the metropolitan region scheme as urban deferred land, and to the east was land zoned rural. The proposal was to follow the cadastral boundary separating the two lots. When the matter went out for public submission, the committee received a submission from Martin Goff and Associates representing the Roberts family interest. I think it was called the Multiplex interest. Martin Goff and Associates, in its submission dated 16 December 1993, recognised the significance of the land included in the Swan Valley planning area - the land to the east of the cadastral boundary - and its importance to the Swan Valley. However, it argued that the cadastral boundary was inappropriate. The submission states -

The line follows no site features and bears no relationship to the topography or landscape. In certain areas it transverse fields without reference to field boundaries and mature vegetation which is associated with them. More importantly the cadastral line does not relate to the different landscape characters of the land in the area.

It is our belief therefore, that the western boundary of the study area is in an inappropriate location having been defined without reference to the prevailing site conditions and without benefit of a full site inspection. This in turn raises a number of issues which are outlined below.

The committee decided on cadastral boundaries and subsequently took note of the submission by Martin Goff and Associates. For the purposes of this debate, the significant part of the Martin Goff and Associates submission was this -

- When the eastern precincts of the Egerton development are implemented, a tract of land will be left between the urban area and the steeply sloping sides of Ellen Brook valley.
- The character of the land that will remain between the valley and the residential area is the same as that which will be developed.
- We believe that the community as a whole would be better served if direct access to the Ellen Brook Valley could be achieved. The valley has important recreational and tourist potential, which will not be realised if the urban development is separated from the valley by areas of rural land in private ownership.

The committee deliberated on that submission at some length. The committee visited the land separately. Committee members walked the boundary, and its members were divided. Some people - particularly residents in the valley - would not accept the submission by Martin Goff and Associates that the boundary should follow a contour along Ellenbrook. Others were sympathetic to the position that Martin Goff and Associates had argued on behalf of Multiplex, and were prepared to accept the change to the boundary from the cadastral boundary separating lots 80 and 81 to a contour ridge to the west of Ellenbrook, which was a heavily treed contour that would prevent any urban development from intruding into the visual amenity of the Swan Valley. The committee was divided on that. However, it resolved to accept the new boundary.

I refer members to the Swan Valley meeting on Thursday, 10 March 1994 and the summary of submissions by Martin Goff and Associates, post office box 104, West Perth. Martin Goff and Associates acknowledge that it is important to protect the landscape characteristics of Ellenbrook as an integral part of the Swan Valley. It submitted that the western boundary through the Egerton landholding along cadastral boundaries is inappropriate and does not relate to the landscaped areas of this site. A plan is included of the amended boundary adjacent to Ellenbrook. The decision of the committee was noted. The committee has agreed that the boundary should be adjusted to follow a line to the top of the ridge, generally behind the band of the trees. That would provide a separation between the viticulture area of the Swan Valley and the proposed urban development of Egerton, but the boundary is such that there would be a barrier to any visual impact of the urban development upon West Swan Road and the Swan Valley. That was the boundary that was established in the Swan Valley Planning Act 1995. At the time the committee accepted that proposal, it understood that urbanisation would proceed beyond the cadastral boundary. An undertaking was given that the development would take note of the environs of the Swan Valley and that there would be a blending of the urban into the rural, with a buffer comprising what is now lot 201, which is the Ellenbrook Valley. I refer to lot 201 because when the committee considered the proposal, lot 201 was then lots 80 and 81.

Subsequent to the passage of the Swan Valley Planning Act, Multiplex proceeded to discuss with the Western Australian Planning Commission the rezoning of three parcels of land to the east of what was the cadastral boundary between lots 201 and 202 and the boundary of the Swan Valley area. An agreement was reached to change the cadastral boundary of lot 80 and to create two lots. The first was lot 200, the boundaries of which follow the western boundary of the Swan Valley area in that location, and the second was lot 201, which is the Ellenbrook Valley. Lot 201 was bought by the WAPC and remains a planning control area. It is a very important planning control area for significant environmental reasons. My concern about this proposal is that if urbanisation is to proceed to the Swan Valley boundary, which, at places, has a 200-metre separation between the urban zone and the viticulture area of the Swan Valley, the two will be incompatible. We must reconcile the two competing demands. One is the demand for urban development and the other is the demand of protecting the Swan Valley. The protection of the Swan Valley is established by law. The urban development, as far as the old cadastral boundary of lot 80 is concerned, is an established fact. We are talking about the transition area between the old boundary and the boundary of the Swan Valley protection area.

Why do I have concerns about a hard-edge urban development in close proximity to viticulture? It is because I am interested in protecting the viticulturists' right to farm. In protecting the viticulturists' right to farm, I am protecting the ambience of the Swan Valley. In protecting the ambience of the Swan Valley I am protecting it as a very significant tourism area within an hour's bus ride of the central business district of Perth. It is a very significant area. I anticipate - as has happened everywhere - that when a hard-edge development is created between intensive horticulture and residential development, conflict will occur. For example, viticulturists must spray a crop that is threatened by disease or fungus. The spraying must occur, not at the most opportune time, but sometimes under urgent circumstances when it is needed. The most opportune time for spraying is when maximum chemical can be sprayed with minimal drift. Drift of chemicals is a waste of chemicals. Those chemicals are expensive and are effective only when they are directed at the crop threatened. Some might argue

that chemicals should not be used but, let us face it, it is a fact of life. The sprayers that viticulturists use are very noisy machines. I do not know whether members have ever been to a vineyard or an orchard when sprayers are working. They are large fans drawn by tractors that spray chemicals over the trees or vines. They are very noisy. It is not just a tractor noise; it is the noise of the exhaust of a small jet. It is a very intrusive, invasive sound.

There are, therefore, two potential environmental nuisances; that is, spray drift and noise. Right now they are not nuisances. There is spray drift in the valley. There is noise from machinery in the valley. There is work that goes on at inconvenient times in the valley on a pleasant Sunday afternoon or at night because the work must be done at the time it is needed, not under optimal conditions. It will be done in this part of the valley in Ellenbrook between the months of September and January. What do we know about the Swan Valley between the months of September and January? We know that there are strong easterly winds and that there will be spray drift from the vineyards to the east of Ellenbrook and over Ellenbrook penetrating at least 100 metres into the Egerton urban development. It will be unavoidable. In an ideal situation there would be a buffer of at least 500 metres between viticulture, horticulture and the nearest urban development. We are not talking about an ideal situation; we are talking about trying to resolve a conflict.

I make the point that drift and noise are not a nuisance now, just as a very smelly poultry farm in a rural area is not a nuisance. It is a nuisance when people arrive; people are the nuisance. Therefore, when urbanisation gets close to intensive horticulture, standard horticultural practices become a nuisance. In every area - certainly in the east metropolitan region - where there has been a close interface between urban and rural areas, particularly with intense horticulture, there have been complaints. There have been complaints from the Swan Valley, Bickley valley, Roleystone and Armadale. My colleagues in the East Metropolitan Region would have answered many of those complaints.

Hon Jim Scott: And in the Fremantle area.

Hon DERRICK TOMLINSON: Yes, but I am talking about the area I know.

The issue is simply that a standard agricultural practice is a nuisance when people live within close proximity to it. My concern, therefore, is that there will be objections when this urban development proceeds. These might be legitimate objections. I am not casting blame on people. Of course people will object to the noise, of course they will object to the spray drift, of course they will be concerned about the health of their children from chemical spray drift, and they will complain. The Environmental Protection Authority or the Department of Environmental Protection will be obliged to respond and they will place conditions on that practice; for example, spraying must occur only in daylight hours up to 5.00 pm, or spraying must not occur on Saturday and Sunday. That will mean that horticulture will be rendered non-viable. There are therefore two competing demands, one of which is an aspiration for urban development and the other a legislative fact of protecting the Swan Valley.

For those reasons, I have moved to disallow the amendment which will allow the urbanisation of that land. I believe Hon Jim Scott also has some objections relating to environmental issues. There is a resolution to this matter. The resolution is contained in the ministerial statement presented by Hon Ken Travers, Parliamentary Secretary to the Minister for Planning and Infrastructure, which reads -

Reinforcement of the buffer between the two zones can be achieved through the introduction of specific provisions under the City of Swan town planning scheme relating to lot size, development density, protection and planting of vegetation, building height and bulk, materials and colours, setbacks, and the location of appropriate land uses. Additionally, in the assessment of future subdivision applications for the land, consideration should be given to the use of memorials on titles to notify prospective owners that the residential use of the land in the locality may be affected by noise, odours, dust and lights arising from rural uses in the Swan Valley.

I do not have a great deal of confidence in memorials on titles because, to be perfectly frank, people frequently do not read them. People frequently say that they are moving out to the Swan Valley because they want the lifestyle. They change their mind on the first day there is a strong easterly wind and they get a whiff of agricultural chemicals; or they change their mind on the second day when they are sitting outside enjoying a beautiful spring Sunday morning or afternoon with a nice bottle of Swan Valley chardonnay, and they hear the tractors start. Then we hear the protests. Then the farmers' right to farm is intruded upon by those environmental considerations, and the environmental considerations are resolved by a resolution imposing conditions on their right to farm. That is unacceptable. The memorial is a good idea, but it is not appropriate and it will not work.

However, the town planning scheme, which might reinforce the buffer between the two zones, can be achieved through the introduction of specific provisions. At present, the buffer, the Ellenbrook Valley between the boundary of the proposed urban development and the nearest vineyard, at its widest is 200 metres. I refer to the

guide referred to by the Western Australian Planning Commission in the report on the Egerton estate. At page 9 it refers to the Queensland State Government Departments of Natural Resources and Local Government Planning publication, "Planning Guidelines - Separating Agricultural and Residential Land Uses". It reads -

... wherever possible, valuable agricultural land should be protected from encroachment by residential development.

That is what I am arguing for in this instance. We have protected the Swan Valley. We now need to protect it from the encroachment of residential land. I am not opposed to the development of residential land; it is essential for the growth of Western Australia's population. Nor am I opposed to the Egerton development - now called the Vale - because it has the potential to be a very attractive and financially valuable residential precinct. However, I am concerned about protecting the agricultural activities of the Swan Valley from the encroachment of that residential development. The Queensland guidelines on page 9 are as follows -

The guidelines suggest the following as acceptable solutions in relation to the matters identified as issues for the Egerton rezoning:

Agricultural spray drift - A 300m separation distance or a 40m wide vegetated buffer specially designed and incorporating criteria set out in the Guidelines.

It is referring to the Queensland guidelines.

I think 300 metres would meet world's best practice. The distance of penetration depends largely on prevailing breezes at the time. However, the prevailing easterly in the Swan Valley could mean that, when the viticulturalists spray their land on a bad day, 300 metres is not enough. Nonetheless, 300 metres is world's best practice. It continues -

Odour from agricultural activities - A 500m separation distance or a buffer area design based on a report which analyses the situation and verifies that specified odour design goals will be met.

Noise from agricultural activities - A 1000m buffer width where night time activities take place or 500m for day-time only activities, or lesser widths where it can be demonstrated that specified goals can be met.

In summary: 300 metres for chemical spray, 500 metres for odour or 500 metres for noise. I believe that 1 000 metres is unrealistic because the urban zone already extends to within 1 000 metres. However, 500 metres might be possible. A 300-metre separation is possible. Rather than intense urban development - by that I mean the 300 to 500-metre lots that characterise urban development in new estates today - lots should be in the order of 2 000 square metres to 4 000 square metres. The Swan Valley Planning Act offers that solution.

One of the matters argued by the City of Swan - then the Shire of Swan - in negotiations for the Swan Valley planning area was the need for a population that would create a sufficient rate base and, therefore, provide sufficient revenue for the local authority to maintain the essential infrastructure of the Swan Valley. The local authority argued for a population of 1 600 in the Swan Valley. The problem before the committee was how to accommodate a population of 1 600 in the Swan Valley protection area, while protecting the agricultural pursuits from the encroachment of urban development. The proposal from the then Shire of Swan, which is incorporated in the Act, was to create Swan Valley planning area D, which provides for -

1. The establishment of villages in a rural setting.
2. The encouragement of a range in residential lot sizes from 2 000m² to 4 000m².

The villages were designed on an 800-metre principle, with 300-metre lots at the centre out to 4 000 metres. I put it to the House and to Multiplex interests that if they can guarantee that buffer, with a planning solution of lot sizes 2 000 to 4 000 square metres, it will resolve many of my concerns. I want more than simply "Oh, yes, we promised that." I have heard promises from developers before. Members should excuse my cynicism, but developers are driven by the need to maximise their profit. I want more than that; I want an undertaking.

The Government wants this development to proceed, but there is a conflict of values which, by the Government's own words, can be resolved by planning for separation of agricultural and residential zones and maximising lot sizes at the edge of the development. If lot sizes were a minimum of 2 000 or 4 000 square metres with building envelopes on them, the separation between the nearest residences and the vineyards could be extended to 300 metres, simply by putting the building envelope as far as possible from the eastern boundary.

I have moved for the disallowance because of my genuine desire to protect the Swan Valley from the encroachment of urban development. This Egerton development represents urban encroachment into the Swan Valley. There is a planning solution to it. The Swan Valley can be protected from complaints from urban residents about agricultural spray drift if a 300-metre buffer is created. They can be protected from noise by

maximising the buffer, and vegetating along the Ellenbrook reserve. That is a sensible planning solution, and it can be achieved by the City of Swan when the matter arises as a planning proposal. It can be a condition that the Shire of Swan imposes on the development. Again, I am cautious about that, because in the past developers have been pointing a gun at the head of the decision makers from the council and saying that that is what they want.

Hon Ken Travers interjected.

Hon DERRICK TOMLINSON: I do not know whether there can be an appeal against a town planning decision, but that is what the developers would do, and they would be certain to win, because they have more money than the Shire of Swan. Therefore, it rests at this stage with the Government to protect the valley with a planning solution that maximises the buffer.

HON JIM SCOTT (South Metropolitan) [12.01 pm]: I am very aware of the time constraints, so I will keep my contribution short and sweet, hopefully. The Greens (WA) will support the disallowance motion for both planning and ecological reasons. I very much agree with the proposition put by Hon Derrick Tomlinson a short while ago that the problem with this development is that it goes right to the ridge of the Ellenbrook valley. That is the root of all evil as far as this is concerned from the conservation point of view because we know that these valleys are used as wildlife corridors. Having populations right to the very edge would put significant pressure on those corridors. Not only do the people themselves make considerable noise and have significant impact on the movement of animals and birds through that area, but also people often have pets, which are a significant problem for wildlife in those corridors. There are other environmental aspects because a number of conservation category wetlands in the area are not properly protected at this stage. A letter was sent to me, signed by Bevan Carter, who is a former mayor of the Bassendean Town Council, on behalf of a group called the Protect Environment and Culture Coalition. It reads -

We believe that the State Government is not protecting Conservation Category Wetlands despite principles endorsed in such documents as the Wetlands Policy 1987 and Ramsar Wise Use Principle (to which Australia is signatory) which state that policy aim be to protect and restore wetlands.

It appears that current Government processes are not being used to implement the state and national policies for the protection and restoration of Wetlands. We request that the Wetland Protection Statement, which was never released but which initiated Perth Bushplan, be released now. We believe that if the statement had been released in 1998, we would not be seeing the current negative development proposals and associated problems for wetland areas. Surely it is now time to 'stop the rot' and take decisive and positive action for the implementation of state and national policies for the protection and restoration of wetlands.

The letter goes on to list some of the conservation category wetlands currently under threat, and the list includes "Ellenbrook - Egerton Estate Belhaus". The document kindly provided by the developer states that there will be water features in the new development. I hope that that is not what they are calling conservation category wetlands. Whether or not an attempt is made to protect these areas, there is a further environmental effect of urbanisation and clearing. Although we realise that this has been farmland and that there has been a lot of clearing in this area already, a problem was pointed out to me some time ago by Jock Riddell, who lives near the area and had been taking note of the quality of the stream that runs past Cruses Mill into Ellenbrook. I will read from a letter he wrote to the Western Australian Planning Commission -

The flow of water from the stream running down past Cruses Mill into Ellenbrook increased dramatically when the land for Ellenbrook Estate was cleared. By my estimations it more than doubled and the salt content was initially very low at about 350ppm compared with the brook at about 1200ppm. A sudden rise in the flow of surface water was presumably due to a rise in the superficial water table due to clearing of Ellenbrook Estate. I stopped irrigation of the nursery from the brook and have not taken readings of the water quality until now. The flow rate now is still high and there is an increase in the salt level of the stream from the Cruses Mill to 620ppm and the Ellenbrook is 1500ppm. I am concerned that the proposed development will cause a further rise in the water table and have a detrimental effect on the water quality of the brook over a period of time . . .

Anyone who has been taking a close look at what has been happening with the Swan River will know that Ellenbrook is a particularly vital catchment for the river. Many of the programs seeking to reduce the nutrient load and other degradations of the quality of the river are based on the Ellenbrook catchment, so these issues are extremely important. While the inputs from agriculture and horticulture in that area certainly cause a significant problem, a heavily populated suburb right on the brook will not help, with fertilisers on lawns and non-native vegetation. These are problems that will affect our waterways into the future, and we must be extremely careful

in the way that we go about the development of these areas and the planning restrictions we need to impose around our important waterways and catchments.

Given the limitations on time, I will move on to the planning issue. For a very long time I have been putting forward arguments about the need to use integrated land use planning more strongly around the city of Perth and across the whole State. Some of the prime horticultural land in the city has gradually been urbanised. That has an immediate economic impact; that is, a lot of money can be made from initially developing an agricultural or horticultural area. However, when all the horticultural and agricultural land is wiped out, people must obtain their vegetables and other foods from somewhere else, and that becomes a cost. After the initial money is received for that urban development, no further money is received, except from the resale of houses afterwards. I do not think it is a great thing to start basing our economy on the increase in house prices, because that is not the most productive way to improve the economy.

Other issues arise when urbanisation is allowed to encroach on all sorts of areas in which there is either industry or agriculture. I interjected on Hon Derrick Tomlinson before to point out that some people choose to live in Fremantle, where I live, and then they complain about the noise from the port.

Hon Derrick Tomlinson: And of course the sheep.

Hon JIM SCOTT: Yes, that is right. Issues arise in areas such as Northbank, where an area that had been set aside for port development has been turned over to urban development. That has caused a great increase in the level of complaints. Eventually, it could prevent normal port business in that area.

Hon Derrick Tomlinson: I have another example. I understand that the residents of the Swan Brewery development have complained about the noise from the restaurants and taverns that were an integral selling point of that development.

Hon JIM SCOTT: Exactly so. Issues arise in some of the former rural areas. One need only look at the developments in Mandurah. People went to Mandurah to enjoy a rural-type lifestyle, and many of them loved it. However, they have loved it to death, and it is now becoming something very different from what attracted them in the first place. That is always a problem with the development of those areas that have lovely outlooks from the east to the west - in this case, across the Ellen Brook and other land. It puts significant pressure on the agricultural and horticultural industries that exist there. I believe that it will put pressure on the Swan Valley Planning Act itself over time if we allow this type of encroachment to continue. Unless we properly set aside and protect these areas through planning, at this level at least, those areas will disappear in the future. Any hope of proper, integrated land-use planning will go out the window. We must be very careful in the future to look after the waterways in the City of Perth. They are under significant pressure. We also need to take care of and protect the existing communities, such as those in the Swan Valley, not only because they are producing horticultural products, but also because it has been recognised that the Swan Valley has huge tourism potential. If those areas are eventually filled with housing, people will have very little interest in visiting them in the future. On that basis, I support this disallowance motion, and I believe all my Greens (WA) colleagues will do the same.

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary to the Minister for Planning and Infrastructure) [12.15 pm]: I will try to be brief so that Hon John Fischer can also make some comments. I was not aware that he wanted to speak on this matter. However, I believe it is important that I put on the record the Government's response to the points raised. Hon Derrick Tomlinson has raised some genuine concerns about the issues and the conflicts that arise in these sorts of matters. He has given the House a very good explanation of the history of these matters and the difficulties that are faced in reconciling conflicting land uses; and, when they come together, how to try to manage those conflicts.

I will give a brief overview. One of the issues is the visual impact. The original boundaries were based on those in the Swan Valley Planning Act. As part of the process of this metropolitan region scheme amendment, a visual appraisal was carried out, and the boundaries were moved ever so slightly to address the visual aspects between the proposed urban area and the rural areas.

Hon Derrick Tomlinson: The boundary was moved west of the ridge.

Hon KEN TRAVERS: Yes. I have maps with me, if members are interested in looking at them. As I said, it was only a slight move, but it had the effect of moving the boundary to a sufficient extent to provide a visual boundary. As Hon Derrick Tomlinson mentioned, that still leaves the difficulties of dealing with the other issues, including the agricultural chemical sprays, in some areas.

When we are dealing with metropolitan region scheme amendments, we are looking at the big picture of how these areas can be managed. However, within that, there are a range of options. Hon Derrick Tomlinson raised those options today. Within the local district town planning scheme, there is the capacity to add to the buffer that is provided within the metropolitan region scheme. I am aware that the developers have put in writing - I

have received a copy of it - their commitment to going down the path of using that option in the proposals that they will present to the council, and they will have minimum lot sizes of between 2 000 and 4 000 square metres. If those lots are designed in the right way, and the building envelope is put at one end of them, it can lengthen significantly the buffer between the housing and the rural areas. I understand that the council also supports that approach.

Of course, these matters will ultimately end up in the minister's office. I asked the minister's office to contact the minister today - she is in the eastern States - to confirm this. She has stressed again that she is of the view that there is a need for the issue of the buffer and the use of the options within the district town planning scheme to be addressed as part of that scheme. Clearly, we have a commitment from the minister to use the opportunities provided by the district town planning scheme to achieve the outcome being sought by Hon Derrick Tomlinson. The developer has put that commitment formally in writing, and I understand the local council is also supportive of that. With those three groups showing the same commitment, we will be able to address the issue of providing the sorts of buffers that Hon Derrick Tomlinson is looking for. The minister certainly wants me to stress to the House that she is keen for that to occur. That is the outcome the Minister for Planning and Infrastructure is looking for in her role in the district town planning scheme structure.

I refer to Hon Jim Scott's comments about the environment. Members need to realise that we are dealing with small pieces of land alongside an area that is already zoned urban and is currently being used for rural purposes. The environmental impacts will need to be managed as part of the design scheme for that area, potentially improving on the rural areas. If we do not do this, we will have a small pocket of land that will look a bit odd in the overall planning scheme. Given the need to use environmentally sensitive urban design principles and modern developments, most of the issues dealt with by Hon Jim Scott can be accommodated.

In summary, it is important to address the buffers as part of the local district scheme for the land with which we are dealing. At this point in time, the Chamber is dealing with the broader issue of the metropolitan region scheme. As we move into the next stage and into the details of the plan, we will need to ensure that we provide those necessary buffers. I urge the House to support the amendment and to not support the disallowance. There is a clear ability for us to move forward on this matter and to get a good outcome. I agree completely with Hon Derrick Tomlinson; it is in nobody's interest to have housing alongside rural activities. It happens in Margaret River. The committee I served on tabled its report today, and that was one of the issues raised with us in Margaret River; that is, short-term accommodation is built alongside vineyards and then problems occur because those wanting tourist developments complain about the vineyards next door. The thing that brings people to that region is the very thing that is complained about. It is not in the developers' interest, councils' interest or any Government's interest to set up that potential conflict into the future. I hope that provides the necessary assurances to Hon Derrick Tomlinson in terms of this Government's approach.

Hon Derrick Tomlinson: Did you say there was a written assurance?

Hon KEN TRAVERS: From Multiplex.

Hon Derrick Tomlinson: Can I have a copy of that?

Hon KEN TRAVERS: It is addressed to Hon Derrick Tomlinson. My copy is a carbon copy. I understand my place in the scheme of things. Mine is a CC of correspondence to Hon Derrick Tomlinson. It is a commitment from Multiplex. As I said, the minister has certainly asked me to stress to the House her view that there is a need for that to occur as part of the district town planning scheme. With those words, I urge the House to not support the motion and to allow this metropolitan region scheme amendment to proceed.

HON DERRICK TOMLINSON (East Metropolitan) [12.24 pm]: I have received a copy of the letter referred to by the parliamentary secretary. I would like to put on the public record the undertaking given today by Tim Roberts, the Director of Multiplex Ltd. His letter reads -

Multiplex confirms its commitment that the buffer between the eastern edge of the development and the Swan Valley would be further enhanced during the detail planning phase by locating larger lots with a (minimum size of 2000 sqm) along the immediate perimeter.

Whilst MRS Amendments do not enable the detailed planning matters to be considered, Multiplex re-confirms its guarantee to the Minister's office and the Commission that this design matter will be pursued during the detailed planning of this precinct. This co-operative approach between the Commission and Multiplex has been intended during the MRS process.

That is the sort of commitment I was looking for. With that commitment, I suggest that we allow the development to proceed.

Question put and a division taken with the following result -

Extract from *Hansard*
[COUNCIL - Friday, 14 May 2004]
p3012b-3018a

Hon Derrick Tomlinson; Deputy President; Hon Jim Scott; Hon Ken Travers

Ayes (5)

Hon John Fischer
Hon Jim Scott

Hon Christine Sharp

Hon Giz Watson

Hon Robin Chapple (*Teller*)

Noes (24)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery

Hon Jon Ford
Hon Peter Foss
Hon Graham Giffard
Hon Nick Griffiths
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Simon O'Brien
Hon Louise Pratt
Hon Ljiljanna Ravlich

Hon Barbara Scott
Hon Tom Stephens
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Pair

Hon Dee Margetts

Hon Adele Farina

Question thus negatived.