

## **TOWN PLANNING SCHEME AMENDMENT, MUNDIJONG**

### *Grievance*

**MS MacTIERNAN** (Armadale) [9.42 am]: My grievance is directed towards the Minister for Planning. I am grieving on behalf of the community in Serpentine-Jarrahdale which has been on the receiving end of a planning decision by this minister which it believes is most unfair. In 1995 the Government introduced a metropolitan region scheme amendment which changed a large swathe of land around the Mundijong townsite from rural to urban deferred. It has been identified that growth in the Perth metropolitan area needs to be accommodated and consequently an urban cell around the area of Mundijong was part of the solution to that problem. The metropolitan region scheme having gone through State Parliament, the Shire of Serpentine-Jarrahdale was required by law to amend its town planning scheme to bring it into line with the new metropolitan region scheme. The shire did the right thing and proceeded to change its town-planning definition of this area from rural to residential development. It submitted that plan to the Western Australian Planning Commission at the end of last year.

On 18 April of this year, the Serpentine-Jarrahdale Shire Council got a curt letter from the Western Australian Planning Commission which reads -

I refer to your letter of 23 December 1999 and advise that the Hon Minister for Planning determined the submissions and has decided not to approve the above Amendment until such time as the modifications set out in the attached Schedule are effected.

There is no explanation of why the Government is not allowing the Shire of Serpentine-Jarrahdale to amend its scheme to bring it into line with the metropolitan region scheme. There is only a letter telling it to change the town planning scheme in the way that the Planning Commission says. Of course, the shire council presumed that it was because of representations by that politically very well connected company Iluka Resources Ltd, the sand miner. In an answer to a question on notice the other day, the Minister for Planning confirmed that the directions to change the town planning scheme were to protect the interests of sand mining.

As one can appreciate, there is strong opposition in the local community to sand mining. Iluka Resources has a number of mining lease applications in this area. It went before the Warden's Court in October last year. After a series of public hearings and very detailed deliberation by the mining warden, he made his recommendations on 23 December 1999. He recommended that an application for one entire mining lease be refused outright because to grant a lease was totally inconsistent with the development of the Mundijong townsite and was not even to be considered. He recommended that major areas of another mining application be excised and the remaining area that was to be approved be subject to stringent environmental considerations before mining was allowed to proceed.

The Minister for Mines has sat on these recommendations for nine months. Clearly, he has no intention of making a decision before the election. As many people realise, the electorate of Roleystone is very much under threat. The Government has put the Leighton Beach development on hold, and that is exactly what it is doing in the seat of Roleystone. Intervention by other ministers indicates that the Government has no intention of accepting the Warden's Court recommendation. We know that the Minister for Health is proceeding with the closure of Whitby Falls Hostel, which is on land adjoining land owned by Iluka. Iluka has made it very clear that it has its eyes on that land, which is east of South Western Highway and on which the mining warden said no sand mining should take place.

The areas which the Minister for Planning has said are to remain rural and to be preserved for future sand mining include that area, mining lease application 70/999, which the warden has categorically declared should not be the subject of sand mining. We can infer from the detail of this minister's decision that the Government has no intention of abiding by the recommendations of the mining warden.

An area in the triangle between Kiernan Street and Evelyn Street is not even the subject of a mining lease yet, but it has been clearly quarantined into rural use to provide a buffer zone for Iluka Resources. One of the real advantages for Iluka Resources in all this is that it has had a very major effect on land values in the area. I have a letter from an elderly gentleman, a Mr David Atwell, who is 81 years of age, who was relying on the sale of his land. Because of the Iluka Resources action, his land values have gone down from some \$600 000 to around \$400 000, making it much easier for that company to acquire land in the area. The people of Serpentine-Jarrahdale have a right to a decision from this Government about what it is doing with Iluka Resources and sand mining in that area.

**MR KIERATH** (Riverton - Minister for Planning) [9.49 am]: By way of background, the Shire of Serpentine-Jarrahdale undertook a Byford and Mundijong green town study which examined options for the establishment

of urban villages and provided a significant input to the rationale and support for a regional structure plan for the shire.

The south-east corridor structure plan also identified Byford and Mundijong as two separate urban cells, each of about 30 000 population. The south-east corridor major amendment rezoned the majority of the land within the proposed Mundijong urban cell from rural to urban and urban deferred in the metropolitan region scheme. The urban deferred zone was adopted for the eastern portion of the cell due to the existence of mineral sand, which is of considerable value to Western Australia, and the need to consider recovery of that resource.

Also by way of background, the planning legislation requires a local government to bring its town planning scheme into conformity with the MRS. Therefore, the shire initiated amendment No 69 to town planning scheme No 2. That amendment proposed to rezone all of the land zoned urban and urban deferred to urban development in the local scheme. This was advertised. During the advertising period, Iluka Resources Ltd, which has mining tenement claims over most of the land on the eastern side of the railway line, lodged an objection to the rezoning of the land on the grounds that the area contains world-class heavy mineral deposits and that to rezone the land to urban development would jeopardise future mining to the extent of sterilising the deposits for all time.

Following an examination of the proposal, together with the various reports and recommendations of the shire on basically all the submissions received, the Western Australian Planning Commission concluded that deletion of the subject land from early urbanisation would not adversely impact on land availability for residential development in the Mundijong urban cell. Accordingly, the commission recommended that the land, the subject of Iluka's claims, be deleted from proposed amendment No 69. I concurred with the commission's recommendations.

Ms MacTiernan: Why have you also excised those areas that are not subject to the -

Mr KIERATH: Because some areas would be heavily affected if mining were to occur. It is important to recognise that we are not taking away the zoning; we are allowing the zoning to remain rural, as it is currently. Therefore, we are not taking away someone's rights in terms of money gain.

Ms MacTiernan: You are.

Mr KIERATH: No, we are leaving the zoning exactly the same as it is now, so that all the same uses can be continued. Urban deferred indicates that in the future it will be rezoned urban. We were faced with whether to allow some short-term property gain or whether to try to make sure that a world-class mineral resource was available for future generations to mine and to value add. Dealing with the whole mineral sands deposit in the Mundijong area, I think the member for Vasse indicated to me that in the ground it is worth about \$500m, but with value adding to synthetic rutile it will be worth in the order of \$6b. The proceeds of that will go to Western Australians by way of jobs, futures, careers and rates - everything on which the proceeds will be used.

What the member for Armadale is saying is wrong. She is saying that if one person suffers a \$200 000 loss, she would rather uphold that and sacrifice future wealth and future jobs of future Western Australians. I do not agree. That is one thing that separates the Labor Party from the coalition. The coalition takes the longer-term view for the benefit of most people in the State. The Labor Party engages in a purely political point-scoring exercise. The bottom line is that the land there is currently zoned rural. Sure, the shire attempted to zone it urban development. By knocking that back, we have not taken away anything. We have told the people that the current zoning of their land will continue, so they have lost absolutely nothing.

I have said that it is important that planning be sustainable. We should get the mineral resource out first. Once that is out, then the land will be suitable for urban development. In this case we can do both: We can extract the mineral resource, from which the State and the people of Western Australia will benefit, and then we can have urban development. We must consider whether the land is crucial to the growth of the metropolitan area, because that is pretty important.

Ms MacTiernan: Did you consider what the mining Warden's Court said?

Mr KIERATH: No, I did not. I will follow up on that. I will look at what the mining Warden's Court said. However, that is not my area of jurisdiction.

Ms MacTiernan: So you are making decisions based on improvisation, and you have not looked at what the mining Warden's Court said?

Mr KIERATH: No. We have gone through the proper processes in planning. Somebody wanted to change the zoning of the land. The legislation clearly deals with that. We advertised, we received submissions and we have analysed those submissions. A very good submission said, "If you do this, you will sterilise a deposit that benefits Western Australia."

Ms MacTiernan: From whom was that?

Mr KIERATH: That was from Iluka Resources - I have said that. The member was not listening; she was probably too busy interjecting. I mentioned the company's name and said that it put in a submission. On the basis of all the reports and information, the Planning Commission accepted that recommendation, and I concurred with it. Why? Because I do not think a small, speculative land gain by one or two people is more important than a resource that has a downstream value adding benefit of some \$6b. I am sorry, but my decisions will be for the benefit of the State and against one or two individuals every time. That is most important.

I will test the value of what the member has said. Western Australian Planning Commission policy SPP No 8 says that if there is a clash between mining and urban development, development should be sequential - that is, mining first and then urban development. The ministry's south-east corridor structure plan in 1996 stated that urban development in the area would sterilise these deposits, and that in order to protect these reserves, urban development in the Mundijong area should be deferred. From memory, the company has given a commitment to commence mining by 2006 and to work with the council and the community to prepare a structure plan that fits into the overall planning. Therefore, it is not a case of either/or; the minerals will be extracted first and then there will be urban development. There is more than enough urban land in the system for the next 10 or 15 years, so this will not jeopardise the growth of the metropolitan area.

Mr Masters: It is a win-win situation.

Mr KIERATH: Yes.