

SWAN URBAN GROWTH CORRIDOR DEVELOPMENT — MUSHROOM FARM BUFFER

Grievance

MS R. SAFFIOTI (West Swan) [9.10 am]: My grievance is to the Minister for Planning. I thank the minister for being in the chamber to take my grievance as it crosses portfolios, including the Minister for Environment's portfolio. As the Minister for Planning is responsible for planning in the Swan urban growth corridor, he is the lead minister who needs to take responsibility for this issue. As the minister is aware, the Swan urban growth corridor is underway, as are housing developments through the Lord Street corridor. I have raised with the minister separately a number of issues about the Swan urban growth corridor, including the allocation of public open space and commercial space, but we can take up those issues at another time. Today I will talk specifically about the issue of the mushroom farm, which I know the minister is across. There has been interaction on this issue with the Minister for Planning, the Minister for Environment and also the Minister for Housing, because they are the three ministers who are responsible for development through the Swan urban growth corridor. Of course, I know that the City of Swan also has a role in this issue.

I have been approached by private landowners in the area. These landowners are involved with the Caversham development. Basically, they became involved very early in the proposed Brookleigh Estate development and the St Leonards development in West Swan. These landowners participated in the subdivision process; they put forward their own money to fund the studies and all the work required to get the subdivision process and the district structure planning underway. Those landowners have already put money into the process to get the planning underway and these developments up and running. Many of the private landowners are keen to now progress the issue. Development is happening around them, so they must put up with some of the issues that go with that development, including increased traffic on the roads and the sand being moved. These landowners live in the area, and the development is causing them massive disruptions. However, there are significant delays in progressing their situation.

I am, of course, talking about the mushroom farm. As I understand, in September 2009, an interim buffer of 650 metres was placed around the mushroom farm. It was determined by the State Administrative Tribunal that the interim buffer would be 650 metres. Since that time, a lot of negotiation and studies have been undertaken about whether the extent of that buffer is necessary. A report has been submitted to the Minister for Planning and also to the Department of Environment and Conservation seeking to reduce the buffer. There is a lot of speculation about the activities at the mushroom farm, but I do not want to enter into that. Basically, a mushroom farm is in existence and an interim buffer has been set at 650 metres. However, a report has been submitted to the government, saying that the size of that buffer could be reduced. The landowners are calling for the minister to resolve the issue as soon as possible by taking charge, sitting down with the Department of Environment and Conservation and, if necessary, involving the City of Swan. That resolution could include a reduction of the buffer. To highlight how significant the buffer is for the developments across the Swan urban growth corridor, I understand that the construction of between 1 200 and 1 500 homes is being held up. That does not make for sensible planning. Building is underway, but because of the significant size of the buffer, growth is occurring in a disconnected way because there is a massive hole right in the middle of the corridor. People's livelihoods are being affected and their lives put on hold. They want to move on, but they are being held up. As I said, a report says that the buffer can be reduced, which would immediately free up a number of landowners from the 650-metre buffer and allow those blocks to be put on the market.

As the minister highlighted yesterday during question time, he is very proud of the new organisation of the Department of Planning, with the infrastructure component being moved from that department, but results need to be seen. Decisions need to be made that will address the issue of housing affordability, which I know the minister takes very seriously. This is a difficult issue and there is no easy solution, but I think the minister needs to sit down with the Minister for Environment and take control of the issue. I understand that there are two issues. One is to reduce the buffer, and the other is to consider whether lots can go on the market with a memorial on the title. To get those blocks on the market, the buffer, and whether it needs to be 650 metres, is the issue to really look at. I know that the minister is across the issue and that he has had a number of meetings and engaged in a lot of correspondence. That buffer was set as only an interim buffer. The development is happening now; the trucks are on the road delivering the sand and the houses are being constructed. This significant hole in the development is affecting the landowners within the Swan urban growth corridor. It is affecting new home buyers who want to move into the area and are looking at affordable homes. I urge the minister to take this issue seriously, to act upon it as soon as possible, to find a resolution, to reduce the buffer and to ensure that development can proceed.

MR J.H.D. DAY (Kalamunda — Minister for Planning) [9.17 am]: I thank the member for West Swan for giving me some notice of this issue. I understand that it is a matter of significant frustration for her, as the local member, and for the landowners in the area. I recall that the member for Swan Hills has also raised the issue with

me in recent times, and it has been raised by at least one of the landowners on a couple of occasions. It is obviously a source of great frustration. The government is very keen to facilitate urban land development, and residential development in particular, and to see it happen further in the Swan urban growth corridor. I know that extensive development is occurring just to the north of this area, and it would be desirable if, based on reasonable assessment, it could occur closer to the mushroom farm. However, it is a complex issue.

The owner of the mushroom farm does have non-conforming use rights, even though the area has been rezoned to urban under the metropolitan region scheme. The owner was given approval to operate this mushroom farm in 1992, 18 years ago, and he has non-conforming use rights. Although the member did not go into the issue, I know that questions have been raised about whether the mushroom farm is operating to the extent that was expected. If that is not occurring and if people have concerns along those lines, it is an issue for the City of Swan to investigate. The reality is that the owner has non-conforming use rights, and it is very difficult for the state or the local government to do anything that would reasonably remove those rights. I hope that everyone involved in this issue will be reasonable, including the owner of this particular land. Obviously, the owner has the ability to undertake urban development on this land, as do the surrounding landowners. I hope that in the end commonsense will prevail, but the reality is that people have their rights and they need to be taken into account. During the preparation of the "Swan Urban Growth Corridor Sub-Regional Structure Plan", it was recognised that there needed to be a buffer around the farm because of the potential odour from the mushroom farm, and the composting activities in particular.

The decision about the buffer is guided by the Environmental Protection Authority's guidance statement No 3, which is titled "Separation Distances between Industrial and Sensitive Land Uses". It recommends that in instances such as this there should be an odour buffer of between 500 and 1 000 metres. As the member for West Swan said, in a mediation process last year some consideration was given to this issue by the State Administrative Tribunal. It was decided to reduce the buffer to 650 metres as an interim arrangement. That was probably a sensible determination. At least it will allow progress to be made towards reducing the impact of the mushroom farm on surrounding land. It will facilitate development up to the buffer boundary to a greater extent than would have otherwise been possible.

I have sympathy for the concerns that have been raised by the surrounding landowners. However, essentially the responsibility of the planning system is to balance competing interests. Reasonable measures need to be taken to ensure that people who live in the area are not unduly impacted by odour from the mushroom farm if it continues to operate. It is reasonable to expect that some degree of buffer will be needed. To a large extent the decision about whether the buffer can be reduced from 650 metres is up to the Department of Environment and Conservation. My understanding is that further consideration will be given to whether the buffer can be further reduced. An assessment will be undertaken once development reaches the buffer. I am not sure how close that is at the moment. I know it is occurring slightly further to the north.

Ms R. Saffioti: It is pretty much occurring, especially in the St Leonards estate. It is moving towards the buffer.

Mr J.H.D. DAY: That is good to hear, because it means we will be able to make a decision earlier rather than later about whether the buffer can be further reduced.

I will keep a close eye on this issue. I am happy to have further involvement to the extent that such involvement is reasonable. However, it is not appropriate for the Minister for Planning or the Western Australian Planning Commission to override the advice of our environmental agencies. We must take that advice seriously and give it primacy. If a reduction can be made on the basis of reasonable and well-founded scientific advice, clearly that will occur. I am happy to get further information about when that is likely to be possible. The advice at the moment is that we need to see how the issue evolves as development occurs up to the buffer; in other words, we have to see whether odour becomes a problem. If it does not, perhaps the buffer can be reduced.

Ms R. Saffioti: Will you meet with the environment minister in the next few weeks to see whether you can sort this out?

Mr J.H.D. DAY: I am happy to seek further information from the Minister for Environment. I am happy to have a discussion with the Minister for Environment if it will help. The clear scientific advice from the environmental agencies is that 650 metres is appropriate. In the next few weeks I will seek further information to see whether it is reasonable to reduce the buffer.