



**Hon Donna Faragher JP MLC  
Member for East Metropolitan Region**

30 November 2017

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

Via Email: [lcco@parliament.wa.gov.au](mailto:lcco@parliament.wa.gov.au)

Dear Matthew

**Petition No. 034 – Aged Care Facility on Wilkins Road**

Thank you for your letter dated 9 November 2017 regarding *Petition No. 034 – Aged Care Facility on Wilkins Road*.

The petition contains 1,124 signatures and reflects the community's concern with the Minister for Planning's decision to revoke planning approval of Metropolitan Region Scheme (MRS) Amendment 1271/41. This amendment relates to Lot 59 Wilkins Road, Kalamunda.

The MRS Amendment was initiated by the Shire of Kalamunda and its purpose was to transfer approximately 10 hectares of land from the parks and recreation reservation to the urban zone in the metropolitan region scheme to allow for aged persons' accommodation.

The MRS Amendment was approved by the former State Government in January 2017. All matters, including environmental and bushfire-management concerns, were carefully considered and the approval was given on the recommendation of the Western Australian Planning Commission. It is therefore disappointing that approval of the MRS Amendment has now been revoked. It should be noted that the City of Kalamunda continues to support the Amendment and its councillors were signatories to the petition.

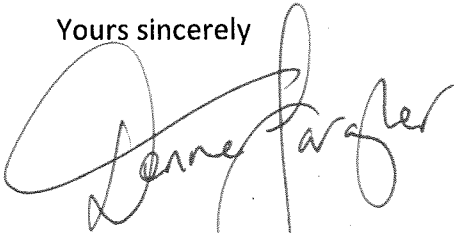
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To assist the Committee in its deliberations, I attach a copy of my speech to the Legislative Council on 7 November 2017 which provides more detail on the matter. I also understand that the promoter of the petition, Mr Neil Pember, intends to write to the Committee to outline the concerns of the community further.

I request that the Standing Committee on Environment and Public Affairs look into the matters raised through the petition and I thank you for giving me the opportunity to make a submission.

Please do not hesitate to contact me if you would like any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Donna Faragher', written in a cursive style.

**HON DONNA FARAGHER JP MLC**  
**Member for East Metropolitan Region**  
**Shadow Minister for Education; Training; Women's Interests**



## Legislative Council

Tuesday, 7 November 2017

Hon Donna Faragher MLC

(Member for East Metropolitan)

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### METROPOLITAN REGION SCHEME AMENDMENT 1271/41 — LOT 59 WILKINS ROAD, KALAMUNDA

#### *Statement*

**HON DONNA FARAGHER (East Metropolitan)** [10.19 pm]: Last week I tabled a petition signed by 1 124 Western Australians, principally from in and around Kalamunda and the surrounding communities, concerned about the Minister for Planning's recent decision to revoke planning approval for the metropolitan region scheme amendment relating to Wilkins Road, Kalamunda. The decision by the minister to revoke the valid planning approval has been met with considerable concern and unhappiness by many members of the Kalamunda and surrounding communities. By way of background, the amendment was initiated by the Shire of Kalamunda and its purpose was to transfer approximately 10 hectares of land from the parks and recreation reservation to the urban zone in the metropolitan region scheme. It was understood that the request for the zoning change—this was documented in public submission documents—was to allow for accommodation for aged persons and that a local scheme amendment, detailed structure planning and, ultimately, subdivision approval would follow.

Public consultation was undertaken on this major MRS amendment in 2014. Following an exhaustive examination of the issues, the Western Australian Planning Commission made its recommendation to the former government. In January this year, I, as the then planning minister, approved the amendment going forward. As the minister has said in the other place, it obviously went to cabinet and ultimately to the Governor for approval. I said at the time that all public submissions had been very carefully considered, because I recognised that there were some concerns, particularly environmental concerns and bushfire concerns, but that approval had been given on the recommendation of the WA Planning Commission. Importantly, it was also recognised as part of the public consultation process with regard to the concerns about bushfire management and, in particular, the environmental concerns that had been raised that the Department of Fire and Emergency Services had approved a fire management plan. The Environmental Protection Authority had also considered the amendment and had decided not to assess it. It did, however, indicate quite appropriately—I recognised this at the time that approval was given—that any development approval would have to go through the commonwealth under the auspices of the Environment Protection and Biodiversity Conservation Act, and that is quite appropriate for any development approval and something that I, as a former environment minister, would support. So it came as some surprise to me when we came back to this place after the election and the MRS amendment was not tabled in this house. I asked the minister representing the Minister for Planning effectively where it was and I was informed that the minister was reconsidering the amendment. It is particularly troubling given the fact that the now Premier reaffirmed in a letter to a constituent that the amendment was supported by the WAPC, the land had been identified as an urban expansion area in the draft north-east subregional planning framework, and it was also in the Shire of Kalamunda's local planning strategy as a potential development site for aged-care accommodation.

So why has the amendment been revoked? To my mind, adequate reasons for the revocation have certainly not been given by the Minister for Planning. Indeed, despite repeated questions in this place to the minister representing the Minister for Planning, I have received nothing short of glib responses, non-answers and general disdain. I will quote from a couple of responses to the quite specific questions I asked. On 16 August, I stated —

I refer to the Minister for Planning's statement in the other place ... concerning the metropolitan region scheme amendment relating to Wilkins Road, Kalamunda, in particular that "This site comes with a number of outstanding issues, for example, native title issues that are still unresolved and other new constraints due to bushfire management".

I then asked the minister to provide more detail, who had advised her of these outstanding issues, what new constraints had been identified relating to bushfire management, and who had advised her of those new constraints. The answer stated —

The Minister for Planning has considered the issues raised during the amendment process and is not satisfied that the site is suitable for aged care for the reasons provided in her statement made on 15 June 2017.

It is great that we know about her statement. Her statement just indicated that there were a number of outstanding issues. I asked what they were and she could not tell me and refused to do so. A similar question was put in this house about her statement in the other place, “It is unlikely that such a facility would be constructed.” I asked what information or advice the minister relied upon to determine that it was unlikely that an aged-care facility would be constructed, who provided the advice and whether the minister would table the advice. Again, the answer stated —

As advised in the answer to question without notice 388, —

That is the one I have just referred to —

the Minister for Planning is not satisfied that the site is suitable for aged care. The Planning and Development Act 2005 provides the minister with the power to recommend that the Governor revoke her approval of the amendment, which the minister believes is warranted in this case.

Again, that is great. I know that answer, but why is it unlikely that it will be constructed? No answer was given. I appreciate that the minister does not need to provide a reason for her decision. However, revoking a valid planning approval is no small thing, and it is certainly no small thing to the 1 124 community members who signed the petition and those others who have an interest in the issue. I indicate that it still retains the full support of the City of Kalamunda, including the former mayor and the former member for Forrestfield, Andrew Waddell. The minister has repeatedly refused to give full details of the reasons or advice, if any, she has received that would have validated the revocation.

I indicate that the petition has now been referred to the Legislative Council Standing Committee on Environment and Public Affairs. I ask the committee to seriously consider the petition. The petition was, as I say, signed by over 1 000 people in a very short time. I think that very much shows the very strong concerns within the community about the minister’s decision. I have other documents that, unfortunately due to the time, I cannot read out today, but they are certainly documents that have been laid out through the council process, whereby the council officers have indicated very strongly that the council supports it and has gone through an exhaustive process. It is an important issue to the community and it is truly disappointing that the minister has repeatedly refused to give reasons why a valid planning approval that was given by the former government and had been approved by the Governor has now been revoked with no reasons given.