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29 January 2010

Your Ref: S27/0057V01

Colleen Murphy
Coordinator Environmental Planning
City of Wanneroo
Locked Bag 1
Wanneroo WA 6946

Dear Ms Murphy

Re: Proposed Draft Local Planning Policy 4.1: Wetlands

The Urban Development Institute of Australia (UDIA WA) is pleased to provide comment on the City of Wanneroo's *Draft Local Planning Policy 4.1: Wetlands* (LPP 4.1)

UDIA (WA) is the peak body representing the property industry in Western Australia with members engaged in a range of disciplines including land development, planning, environmental planning, urban design, infrastructure and engineering. The following comments have been provided by the UDIA Environment Committee, a group of specialist environmental practitioners with an overriding interest in sustainable urban development.

UDIA generally supports the draft policy and appreciates that practical and effective policies relating to wetlands at State level are inadequate, and together with outdated wetland buffer guideline has created the need for the City to develop its own Local Planning Policy.

UDIA supports:

- Avoidance of duplication of any wetland identification or buffer determination function of State Government (with reference to the appropriate policy);
- Adopting alternatives to the 50 metre generic buffer distance to Conservation Category Wetlands (and 30m to Resource Enhancement category wetlands);
- Recognition that complementary land uses are acceptable within wetland buffers and the provision of guidance on this issue;
- The consideration of "the efficient use of land" in determining compatible use wetland buffers as part of POS calculations; and
- The provision of a clear framework for how the policy fits into the planning process (at State and local levels).

UDIA endorses the approach taken by the City to the consideration of wetlands in the urban planning process, reflecting the approach adopted by UDIA in its role on the Working Group on Wetland Buffer Zones that is currently reviewing the DoP/DEC *Draft Guideline for the Determination of Wetland Buffer Requirements (2005)*(the Guidelines). .../2

However, UDIA is concerned that potential conflict between the City's draft policy and the DoP/DEC Guidelines will occur. It is our view that the City should remove reference to the Guidelines document until it is finalised, or alternatively withhold adoption of LPP 4.1 Wetlands until the Guidelines are finalised. We understand that finalisation of the revised Wetland Buffer Guidelines is imminent, which may in fact preclude the need for the City's own policy. We respectfully suggest that the City liaise with Jamie Townend at the Department of planning in this regard.

Notwithstanding the above, we provide below specific comment on the content of Draft LPP 4.1:

Specific Comments

- Section 7.3 - recommend removal of reference to draft guideline in this clause until it is finalised.
- Section 7.4 – recommend amendment to this clause given link to 7.3 above and that in some cases a buffer of less than 50 metres (including compatible use buffer) may be adequate in degraded wetlands with demonstrable limited environmental, social or drainage functions.
- Section 7.5 states that a compatible-use wetland buffer may be accepted in the buffer of a wetland where the buffer is completely degraded. It does not distinguish between the type of wetland, ie CC, RE or MU. The DEC practice is that the buffer of a CC is sacrosanct no matter what its condition. If it is completely degraded then there is a requirement to rehabilitate/ revegetate with native species. In this case, all the items mentioned in 7.6 as “compatible-use” would not be allowed. Therefore, the City of Wanneroo policy conflicts with State Government policy/practice. While the City's position has the support of UDIA, this conflict needs to be resolved and avoided.
- The requirement in Section 7.6 for the DEC's advice to be considered in determining “sufficient separation of development” seems to nullify other parts of the policy which allow a flexible approach to determining buffer widths. The DEC wetland branch position is for a minimum 50m buffer with no discussion entered into. UDIA recommends the removal of the reference to consulting the DEC on this issue.
- Section 7.8 should be more of a process (for example – bullet point one should scope the number of risks posed by the development. Should the risks include potential for nutrient and irrigation pollution, then bullet point four should be addressed. If the development does not pose a risk from nutrient and irrigation use then bullet point 4 would not be required).
- Section 7.8, second bullet point “.and those areas to be rehabilitated” requires clarification, It begs the question “What if the buffer area does not require rehabilitation?”
- There should not be a presumption that degraded areas “will be” rehabilitated with native vegetation, however revegetation should be an incentive for land owners to accrue other benefits such as other uses within the buffer, or reduced buffer distances (for example).

- POS allowances must be consistent with those in Liveable Neighbourhoods.
- UDIA supports the compatible use buffer concept as it enables proper consideration of other uses within the buffer.

We trust that you will find this submission constructive. UDIA is very aware of the lack of policy at the State level dealing with wetlands and the City of Wanneroo has addressed this policy deficit through development of LPP 4.1.

However, we caution against early adoption of the draft policy for reasons cited in this response. We would welcome further discussion of the best way forward to avoid duplication in the policy requirements between State and Local government that ultimately results in time delays, increased costs, and ultimately reduced affordability for future land purchasers.

Thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey
Chief Executive Officer