

30 January 2019

Bryce Bunny
SPP 2.4 Review
Strategy and Engagement
Department of Planning, Lands and Heritage
Locked Bag 2506
Perth WA 6001

Via email: bryce.bunny@dplh.wa.gov.au

Dear Mr Bunny

Draft State Planning Policy 2.4 - Basic raw materials and Associated Guidelines

Thank you for the opportunity to provide feedback in relation to the above *Draft State Planning Policy (SPP) 2.4 - Basic raw materials*. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership based organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 12.7% of Western Australia's Gross State Product, contributing \$31.7 billion annually to the Western Australian economy and \$264.98 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 215,100 Western Australians and 2.044 million Australians across the country.

UDIA welcomes the release of the Draft SPP and its revised Guidelines. UDIA strongly supports the intent of the policy to safeguard the supply of basic raw materials (BRM) and to protect people and the environment by ensuring land uses are compatible. However, whilst supporting the intent of the policy, UDIA does have a number of concerns regarding the application of the draft policy, specifically these concerns include;

Draft State Planning Policy

4.3 When the policy should be applied

The Institute is concerned that the policy states that *"guidance on appropriate scientific methods for determining the risk and extent of off-site impacts from BRM activities is not the subject of this policy"* and that *"decision-makers should seek advice from the relevant government agencies... in relation to the appropriateness/acceptability of technical studies provided by proponents."*

Whilst failing to provide guidance for determining risks and off-site impacts, the policy and its guidelines require decision makers to consider a wide range of off-site impacts including amongst others, the effect of traffic, noise, blasting dust and vibration on the amenity of any adjacent sensitive

land uses, impacts on native flora and fauna, landscape, water resources, and sites of cultural and historic significance. Given these wide ranging and specific consideration requirements, UDIA contends that it is the role of the draft SPP's and its guidelines to provide advice as to the appropriate scientific methods for determining the risk and extent of off-site impacts from BRM activities.

UDIA is extremely concerned about the ability for local governments to remain consistent in considering off-site impacts in the absence of appropriate guidance. Whilst acknowledging that differing site conditions occur and the different impacts of different BRM extraction, without appropriate guidance for decision makers, experience has shown that significant divergence will emerge across local governments with differing views regarding the level of detail to be provided and different opinions regarding what is considered appropriate development. Similarly, planning decision makers also need to have confidence information provided by referral agencies and development proponents is appropriate.

UDIA suggests that this guidance should be provided within the guidelines or as an appendix to the guidelines as is the current practice with other state planning policies.

Recommendation

- That the guidance is provided as to the appropriate scientific methods for determining the risk and extent of off-site impacts from BRM activities.

6.1 Planning Decisions

6.1 (a) states that development should aim to minimise the use of BRM by “*avoiding low lying areas that require large volumes of fill*”. Whilst UDIA recognises the intent to ensure that BRM resources are used efficiently and put to the highest and best use, as definitions of ‘low lying areas’ or ‘large volumes of fill’ are not provided, the Institute is concerned that the blunt nature of the policy wording is likely to deliver unintended consequences. In order satisfy a range of valid planning objectives, development may be highly appropriate in low lying areas. For example, where these areas are well served by infrastructure, form logical urban extensions or prevent the loss of highly valued environmental assets elsewhere, low lying areas should not be lost for development purposes.

It is also important to recognise that the policy applies state wide and not all low lying areas necessary need ‘large volumes of fill’, instead it would be more appropriate if the policy referred to areas with high groundwater levels. However, even in such areas, it is vital that the policy also recognises that through drainage strategies, development and building construction design and other design responses, development can minimise fill requirements. 6.1 (a) also raises concerns about the practical implementation of the policy instances where land has also been previously zoned for development purposes including infill development.

It is imperative that 6.1(a) is amended to ensure the practical application of the policy and that development opportunities are not lost to satisfy BRM objectives solely.

Recommendation

- That 6.1(a) is amended to read *“land use planning and development proposals should consider the suitability of land for development, including its likely BRM requirements and where appropriate, adopt strategies to minimise the use of BRM”*.

6.2 Regional and sub-regional planning strategies

This section states that *“region schemes and regional and sub-regional strategic planning strategies should identify SGS areas and known ES along with an indicative separation distance or buffer.”* The Institute does not support this, this level of information too detailed and too fine grain for region schemes and strategies to manage appropriately. ‘Indicative separation distances’ should be just that, they should not be fixed by statutory by regional schemes and strategies, which, by their very nature, set out strategic, regional planning objectives. BRM extraction areas are dynamic, whilst the region scheme amendment process is slow, as it is designed to manage strategic issues. Including buffers within region schemes is cumbersome and would not only duplicate the process, but also add significant delay and unnecessary complexity to the planning process, hindering the implementation of sequential land uses.

The existing arrangements whereby buffers areas are often designated ‘urban deferred’ by region schemes is effective and affords all stakeholders, development proponents, BRM operators and decision makers with the appropriate flexibility to manage BRM extraction effectively and according to specific site circumstances.

Recommendation

- That the policy removes the requirement for region schemes and sub-regional strategic planning strategies to identify SGS areas and known ES along with indicative separation distances and buffers.

Basic Raw Materials Guidelines

4.6 Separation Distances and Buffers

This section states that the recommended separation distances in the EPA’s Guidelines should be applied *“to all planning proposals”*. UDIA suggests that appropriate flexibility should be added to this wording to ensure that planning proposals are considered on the merits of the proposal with consideration given to any mitigation that may reduce the prescribed separation distances.

Recommendation

- That the clause 4.6 is amended to read *“the recommended separation distances should be applied to all planning proposals unless otherwise demonstrated.”*



Should the Department require any assistance or further information regarding this matter, the UDIA would be delighted to assist. Should any further information be required in relation to the comments above, please contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tanya Steinbeck', written over a light blue horizontal line.

Tanya Steinbeck
Chief Executive Officer