

**City of Nedlands Council Agenda, 9<sup>th</sup> September 2008**  
**UNDERWOOD AVENUE BUSHLAND**

**Question 1.**

**Does Nedlands Council still stand by its environmental credentials as outlined in its responses to the questionnaire on the “How green is my council” website , and if so, will it support the preservation of Underwood Avenue Bushland for the benefit of future generations?**

It would appear from the website that Nedlands Council gave itself a tick for the following:

**General support for sustainability:**

Q6. Does this council use a 'triple bottom line' framework in its reporting and decision-making processes? (environmental, social, economic)

A. ✓

Q8. Does this council enshrine ‘sustainability’ or ‘future generations’ in the 'Planning for the Future' required by the Local Government Act?

A. ✓

**Natural Resource Management:**

Q1. Does this council have an Environment Management Plan?

A. ✓

Q4. Does this council have a Green Plan in action?

A. ✓

Q6. Does this council have a Natural Areas/ Bushland Management Plan?

A. ✓

Q7. Does this council have a strategy to protect and enhance biodiversity in the local area?

A. ✓

Q8. Does this council have any strategies for the development of wildlife corridors?

A. ✓

**Question 2. Is Nedlands Council aware of the level of community concern over unsound environmental management practices and planning approvals in Western Australia and will it consider the important role of local government in influencing better outcomes for the environment and local communities?**

(Please see attached media statements, letters and petition.)

**Question 3. Will Nedlands Council be a visionary council that is prepared to put the brakes on developments that threaten our natural environment and diminish the quality of life for future generations?**

**Question 4. Will Nedlands Council be the Council that helps save Underwood Avenue Bushland?**

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## Letters to the POST

Please send letters to The Editor, 276 Onslow Road, should be a daytime phone number for verification.

### Is UWA an ethical developer?

One would hope that UWA, being a university, would have an ethical approach to the development of reserved land with which it is entrusted, or freehold land that it owns.

One would also expect it to behave as a good neighbour to the community that surrounds it.

While it appears UWA is not bound by the Nedlands Town Planning Scheme in designing a child care centre on the crown land vested in the university for a public purpose, sadly there do not appear to be other planning guidelines in place to ensure that the impacts of the centre on local residents are no more than there would be from a commercial child care centre built on private land in the same locality.

The UWA Convocation knows, or ought to know, that there are no appeal rights against an approval of the centre by the WA Planning Commission (far removed from Nedlands); no matter how much there is an absence of orderly and proper planning principles in the centre plan or how ill-informed the plan is.

An approval of the centre cannot be appealed in the State Administrative Tribunal because the Planning Act prohibits appeals against planning approvals.

Whether or not UWA has a legal duty, it has a moral duty to build within the Nedlands town planning scheme planning guidelines.

It has been morally corrupt in this process if it has submitted a design that does not comply with the Nedlands car parking and amenity controls if, in so doing, it has produced adverse amenity impacts on its less powerful, less influential mum and

dad neighbours: just because it can do so and this suits its commercial purpose.

As for the Underwood Avenue bushland, if there were planning approval appeal rights against any decision to approve rezoning and subdivision of this land as submitted by UWA, the university might have reconsidered its plans.

If UWA had asked its own academic staff experts to write the reports about the impacts of clearing the bushland, would its own expert reports say the same thing as the ones submitted by its external environmental and planning consultants?

If a subdivision of the bushland was subject to the state's clearing laws (which it is not), again would clearing of the bushland be a hurdle that could not be overcome?

If UWA has exploited the lack of accountability in our planning rules and the absence of any right to appeal against an unmeritorious planning approval (the same as would any other developer for profit), as a town planning law prize-winning graduate of its hallowed halls, I would have expected much better from it.

The SpeakOutWA (non-party political) campaign for reform of the Planning Act would give planning approval appeal rights against planning approvals, which are unlawful or simply breach orderly and proper planning principles.

Please go to our website ([www.speakoutwa.com.au](http://www.speakoutwa.com.au)) to see which of the state's electoral candidates support reform of the Planning Act for open and accountable town planning.

Sandra Boulter  
Coordinator SpeakOutWA  
Nedlands

City of Nedlands - 9 Sep 2008

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# Ministerial direction

WHEN we came into government in 2001 we knew we needed to address some of the fundamental issues facing our city and that we needed to engage the community broadly in developing a solution.

Perth was undeniably a very car dependent city. This is largely due to the very sprawled structure of the city. Both the problems of peak oil and climate change meant that we had to take serious steps to overcome this car dependency if we are to have a liveable, functioning city into the 21st century.

## Changing aspirations

We were also increasingly conscious of the changing aspirations of the community. In particular there was an increasing percentage of the population that was looking for an active street culture, an urban rather than suburban lifestyle, for whom the detached house and garden was not the dream.

We also were well aware West Australians were living longer and breeding less which meant that the child rearing phase represented a shorter percentage of one's life and that people were increasingly looking to make several changes in the type of accommodation over their lifetime.

We were also pushing up against the fact that much of the easier developed land in Perth had been built out and that if we were to protect valuable conservation areas, we needed to be able to offer some development alternatives.

With this in mind we began the Dialogue with the City. This was a process that continued over three years involving more than 1,000 members of the community plus local authorities, industry and every conceivable interest group.

## In isolation

We were well aware that we needed to get the community to come together to establish an overall agenda because a comprehensive plan is not possible if each municipality or local community is planned in isolation.

The result of this process was a plan called Network City which recognised the value of suburban life, but also recognised the need for more housing diversity and local jobs and recreational opportunities. The Network City sees pockets of more urban development spread throughout the metropolitan area in nodes along public transport corridors or around major activity centres. It is not anti-suburban - but it allows



suburbs to have a heart.

It also recognises, even with all the successful endeavours to encourage growth in our regional towns that Perth is going to grow and we need to make provision for that growth.

It also recognises that this is not necessarily a negative. By creative

*Developments that have been proposed for Fremantle are in the range of five and six stories and not developments of Gold Coast proportions*

planning we increase not just density but intensity - delivering that buzzing street culture. Fremantle-ites would understand that is a major plus of urban living. More people living close by

IF THERE'S little need to introduce WA's planning and infrastructure minister, ALANNAH MACTIERNAN to Fremantle. First coming to the town's attention with an unsuccessful bid to sell off the Torney APACE nursery for homes, she's since put her fingerprint over the future of the port city and has been leading the charge to increased density. In response to our Development Issue, here she outlines where we're heading and why.

is a necessary pre-requisite for that diversity of street life that makes an interesting city. Much of the debate about density has forgotten the intensity part.

Much of the talk of high-rise is overwrought. The sorts of developments that have been proposed for Fremantle are in the range of five and six stories and not developments of Gold Coast proportions.

## Humanity and intensity

Some of the most beautiful old urban cities such as Geneva, Berlin and Madrid have development of this scale and they are cities of humanity and intensity.

Our community will rarely speak with one voice. Our aim in government is to try to work through the differences to find common ground. Where we cannot, we need to provide a fair balance between competing aspirations.



Alannah MacTiernan says she's seeking common ground. Self-appointed guardians must understand that they are representing one particular view in the community. It is legitimate that they should do so. But they cannot claim they "are" the community. I can say most sincerely

# No protection for your backyard

ALAN ANTONOVSKY'S lack of faith in the Fremantle development process is spot on (*"Just no faith"*, Herald letters, August 24, 2008).

Bruce Moriarty (*"The Developer's View"*, Herald, August 30, 2008) writes some reasonable news. Many developers talk the talk, but get down to it and their rules are different from ours.

There's no incentive or enforceable requirements to make decision makers comply with planning laws and policies. Also, sadly, greenfields and Crown land subdivisions and development are more profitable than infill.

If developers were less inclined to bully decision makers, Mr Moriarty may find the "just say no" attitude he senses turns into enlightened assessments of sustainable proposals where the decision makers can properly "say yes" (with conditions).

Deputy mayor John Dowson (*"Marginal Wish"*, Herald letters, August 30, 2008) should not get too excited about Albany - just talk to that community about the state's grandiose and unwelcome plans for its foreshore and Emu Point.

Ms MacTiernan's government is not pro-planning, they are pro-development - there's a big

difference. The Libs probably wouldn't be better.

We can all do something for our future at the upcoming state election by voting for planning approval rights that will greatly reduce the capricious, unresponsive development that abounds today in Fremantle and all around WA.

In 2005 the Labor government entrenched the prohibition on appeals against approvals for zoning (minister decided), subdivision (WA Planning Commission decides), development or use (local government decides) in their new yet undemocratic Planning and Development Act.

They gave developers the right to voluntarily appeal against proper subdivision and Ms MacTiernan's government

is not pro planning, they are pro development.

Sadly, they prohibited affected neighbours or the community from appealing against an approval, even if unlawful, or breaches applicable planning guidelines. Even if the approval was obtained through corruption and/or misconduct, there's no appeal right in the State Administrative Tribunal (SAT).

SANDRA DOLLITER is a retired solicitor who specialised in town planning and environmental law, being awarded the planning prize at the University of WA's Planning School in 1986. She was "impressed and amazed" by the "courageous and open reporting" of our last Development Issue and quickly composed a response. She's long been a campaigner for third party appeals, which we don't have in WA. What that means is that if some monstrously gale approved over your back fence, you've got no chance to stop it - not even if those who approved it did so corruptly. With the population boom expected the problem's only getting worse, so she formed SpeakoutWA, which is urging people to push the poles on election day to change the system.

As noted in recent Herald letters, the Fremantle council, advertising for comments on the Coast Structure Plan, Detailed Area Plan for development of Knutsford, Slack and Ambert Street and Cockburn Coastal Plan, and their mention of a Draft Master Plan for the Esplanade.

It is unlikely that these documents, once adopted, will be binding on the decision makers for zoning, subdivision and development.

Even in the unlikely event that these plans were adopted as law by incorporating them into the relevant local planning schemes, an affected neighbour is prohibited against appealing in the SAT against an approval that breaches these "binding" guidelines.

If Brad Pettit's guidelines (*"A second gold rush"*, Herald August 24, 2008) for sustainable infill were adopted into relevant planning schemes or even the strongest state

LEMONS

FINALS SERIES

## The Subiaco Football Club...

urges all Roan Voice readers to get behind our 2008 finals campaign. Subiaco will play either South Fremantle or West Perth in the 2nd Semi Final at Medibank Stadium from 7.15pm, Leederville Oval on Saturday 6th September. Bouncedown is at 2.15pm and the price of admission is \$12 (including Football Budget) for adults and is free for children under 16 years old. Voice readers will receive a special offer. Two for the price of one! All you have to do is cut out the coupon and bring it to the game.

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2 FOR 1 PASS

WAFL 2008 2nd Semi Final Subiaco v West Perth Saturday 6th September Medibank Stadium

Fremantle Herald, Saturday September 6, 2008, Page 15

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