

 Western  
Australian  
Planning  
Commission

Statutory Planning Committee  
Minutes

Meeting Number: 7603

Tuesday, 20 November, 2018

- Members: David Caddy — Chairman WAPC  
Megan Adair — WAPC Appointee  
Steve Hiller — WAPC Appointee  
Ian Holloway — Professions representative  
Elizabeth Taylor — Local government representative  
Ross Thornton — Nominee of the Minister for Regional  
Development
- Apologies: Sue Burrows — Nominee of the Director General, Department of  
Planning, Lands and Heritage  
Ray Glickman — WAPC Appointee
- Others Present: Mario Carbone — Senior Planning Officer  
Belinda Chami — Administration Officer, Commission  
Support  
Garreth Chivell — Planning Manager  
Robert Cull — Senior Planning Officer  
Tyrone Desai — Senior Planning Officer  
Jemma Douglas — Senior Planning Officer  
Rebecca Egan — Commission Support Officer  
Sam Fagan — Manager, Commission Business  
Mark Johnston — Senior Planning Officer  
Katina Marchbank — Principal Planning Officer  
Cath Meaghan — Planning Director  
Rohan Miller — Planning Director  
Tim Reed — Senior Planning Officer  
Rebecca Ristevski — Senior Planning Officer
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1. Declaration of opening

The Chairman declared the meeting open at 9:30am, acknowledged the Whadjuk people of the Noongar nation as the traditional owners and

custodians of the land on which the meeting is taking place and welcomed members.

### Apologies

Sue Burrows — Nominee of the Director General, Department of Planning, Lands and Heritage

Ray Glickman — WAPC Appointee

## 2. Members on leave of absence and applications for leave of absence

Mr Caddy has an approved leave of absence from the Statutory Planning Committee on 4 December 2018.

## 3. Disclosure of interests

Ms Adair stated that Woodsome Management, her employer, has undertaken a review of the feasibility and deliverability of Item 8.4 Belmont Development Area 6 (DA6) — Activity Centre Plan Request. Ms Adair stated that she does not believe there to be a conflict, however, wanted to bring this to the attention of the Committee.

Members discussed Ms Adair's declaration and agreed that there was no real or perceived conflict of interest.

## 4. Declaration of due consideration

All members indicated that they had received and considered the agenda items before the Statutory Planning Committee meeting.

## 5. Minutes

### 6.1 Confirmation of minutes - Meeting No. 7601 on Tuesday, 6 November 2018

Moved by Ms Taylor

Seconded by Mr Holloway

That the minutes of the Statutory Planning Committee meeting held on Tuesday, 6 November 2018, be confirmed as a true and correct record of the proceedings.

The motion was put and carried

## 7. Deputations and presentations

### 7.1 Subdivision to Create 1,940 Lots and 17 Reserves - Various Lots Barragoon Road, Caraban, Moore River South (Item 8.3)

Presenters: Denise Morgan — Creative Design + Planning and Graeme Sampson and Ben Plunkett — Moore River Company Pty Ltd

Ms Morgan provided a presentation to the Statutory Planning Committee with Mr Sampson and Mr Plunkett as representatives of the landowner. She explained the position of the proponent by outlining their view on relevant conditions of approval.

Ms Morgan stated that the threatened ecological communities, Banksia Woodlands of the Swan Coastal Plain related to Condition 2 were listed in late 2016, after the initial subdivision approval. She outlined that the proponent expects to have environmental impact assessment studies undertaken in early 2019.

Ms Morgan suggested that the conditions should be targeted and staged, as opposed to affecting the whole site at once. She explained that the size of the subdivision area means that a targeted approach to conditions is more appropriate.

Ms Morgan stated that Condition 23 and Advice Note 10 as relating to primary school site works are not standard and are unprecedented. She stated that requiring site works for a primary school that has not yet been determined by the Department of Education is unreasonable.

Ms Morgan questioned the need and nexus for Carrabeen Road to be the primary access road, rather than as an incidental emergency egress route. She requested that the relevant condition be removed and that the Traffic Impact Statement be updated accordingly.

Ms Morgan stated that Condition 39 as relating to bushfire management should allow for a proposed shelter as an alternative to dual access, which has been supported by bushfire consultants.

Members queried whether the Moore River Company had any intentions for the balance of the zoned land, to which Ms Morgan responded that there are no intentions at this time. Mr Sampson offered that the current development proposal is the primary focus.

## 7.2 Subdivision to Create 1 ,940 Lots and 17 Reserves - Various Lots Barragoon Road, Caraban, Moore River South (Item 8.3)

Presenters: Pauline Pannell, Linda Johnson and Prof David Pannell  
Friends of Moore River Estuary

Professor David Pannell provided a presentation to the Statutory Planning Committee against the proposed subdivision on behalf of the Friends of the Moore River Estuary group.

Prof Pannell outlined the "planning mistake" that allowed for the proposed subdivision of the area. He explained that if the proposal is to be assessed against the current state and federal planning policy and conservation legislation it would not comply and that a previous approval is not a justification for new application for planning approval.

Prof Pannell outlined the environmental value of the Moore River Estuary and its surrounding landscapes for the protection of biologically diverse communities that rely on the virgin bushland for habitat.

Prof Pannell provided information regarding the lack of services in close proximity to the proposed subdivision area and referred to the State Planning Strategy 2050 to highlight the inconsistencies of such an approach. He offered the example that a round trip to the nearest pharmacy would be approximately 80 kilometres.

A copy of the tabled document has been placed on file.

8.3 Subdivision to Create 1,940 Lots and 17 Reserves - Various Lots  
Barragoon Road, Caraban, Moore River South

Members discussed the deputations made and the recommendation of the Department of Planning, Lands and Heritage.

Members noted that the subdivision proposal does not comply with the current planning framework. Members noted that the original approval under Minister Lewis was due to the then-proposed port developments in the area that would create an employment base, which has not since eventuated.

They agreed that they need to understand the legal implications of endorsing or refusing the application with respect to potential compensation. Members agreed to defer the item to allow for legal advice to be obtained from the State Solicitors Office.

Motion to defer

Moved by Ms Adair

Seconded by Mr Holloway

That the Statutory Planning Committee resolves to defer the item relating to the Subdivision to Create 1,940 Lots and 17 Reserves Various Lots Barragoon Road, Caraban, Moore River South as detailed in the report dated 20 November 2018, to obtain legal advice from the State Solicitors Office on the consequences of determination.

The motion to defer was put and carried