

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

INQUIRY INTO THE MOORE RIVER DEVELOPMENT

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 5 MAY 2010**

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

Hearing commenced at 10.15 am**MEAGHAN, MISS CATHERINE****Director, Southern Regions,****Department of Planning,****sworn and examined:**

The CHAIRMAN: Thanks very much for coming in. We welcome you along. I ask you to take either the oath or the affirmation.

[Witness took the affirmation.]

The CHAIRMAN: Please state the capacity in which you appear before the committee.

Miss Meaghan: I am the director of southern regions at the Department of Planning, which takes in the Shire of Gingin where the Moore River development is located.

The CHAIRMAN: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

Miss Meaghan: Yes, I have.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to speak into them and ensure you do not cover them with papers because it makes it hard for Hansard to hear. I remind you that your transcript will become a matter for public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and that the material published or disclosed is not subject to parliamentary privilege.

You obviously know why you are here. We are a bit confused about the submission we received for the Moore River development. We have had some information from the minister’s department. Could you give us an overview of the whole procedure—where we have come from and where we are at now—because it might make things a little clearer for us?

Miss Meaghan: It is a complex case. I provided to Linda what I have called a time line of events, so you should have that. There are four planning matters at play here, which is probably where the complexity comes in.

Hon LYNN MacLAREN: We know all about you but you know nothing about us.

The CHAIRMAN: That is my fault, I am sorry for that. I am Brian Ellis, the chair of the committee. Hon Lynn MacLaren and Hon Colin Holt are members. We have two apologies today; that is why there are only three of us.

Miss Meaghan: It is nice to meet you all.

The CHAIRMAN: There are four planning matters.

Miss Meaghan: It started in 1995 when the land in question, which is about 557 hectares, south of the Moore River—we call it “south of the Moore River near Guilderton” because it is not actually

in Guilderton-started with the rezoning in 1995, which was via amendment 22 to town planning scheme 8 for the Shire of Gingin.

Hon COL HOLT: Did it go from rural to urban?

Miss Meaghan: Yes, to urban development. An urban development zone, typically, is a zone that is put over land with future development potential subject to more detailed planning.

Hon LYNN MacLAREN: So was it rural before or was it unzoned?

Miss Meaghan: It had a zone. It was either rural or general agriculture. It was basically a rural zone.

The CHAIRMAN: If you do not mind our interjecting, it will keep things a little informal, but these questions will pop up because we are a bit confused. As you go through, if you do not mind, we will ask questions?

[10.20 am]

Miss Meaghan: Feel free; I prefer that.

The zoning was the beginning of it. I guess the important thing about the zoning of land is that it is statutory. The local government town planning schemes have force through the Planning and Development Act. It is a very strong form of identification of land use. As you may be aware, the zoning of land is approved or refused by the Minister for Planning, so it is a ministerial approval.

From there, two other things happened. The Shire of Gingin resolved to prepare new town planning scheme 9, which contemplated future zones throughout the shire, including this land. The shire wished to retain that land as urban development. That occurred in February 2003.

The CHAIRMAN: They made it urban in 1995?

Miss Meaghan: Yes.

The CHAIRMAN: Did they reinforce that in 2001?

Miss Meaghan: In 2003.

The CHAIRMAN: Why did they need to do that?

Miss Meaghan: According to the planning legislation, local governments are prepared to review their town planning schemes approximately every five years, so the council scheme was due for review anyway and, as part of that review, the council elected to retain the land because it was already zoned.

The CHAIRMAN: If they had wanted to in that review they could have gone back to rural?

Miss Meaghan: They could have. I guess this is the crux of the issue. It is not typical for land to go backwards in terms of its development potential. That is when a lot of this came about and a lot of, I guess, the ongoing saga of the planning instruments and what should apply in this piece of land.

Hon COL HOLT: At the point of town planning scheme 9, I guess they go through a consultation period with the community?

Miss Meaghan: Yes; a town planning scheme is required to be advertised for a minimum of 42 days. That decision in February 2003 was on consent to advertise the draft scheme.

Hon COL HOLT: Was that at the local council level or does it go to the Planning Commission?

Miss Meaghan: It is a dual resolution. At the first stage, the council must resolve to advertise the scheme. Then it submits the scheme to the WA Planning Commission, which then recommends to the minister in terms of advertising the scheme. The minister may give consent to advertise subject to modifications of the scheme.

Hon COL HOLT: Sorry to keep interrupting, but I have some questions.

The CHAIRMAN: It is keeping us informed as we go.

Hon COL HOLT: At that point of advertising for 42 days, can they receive submissions?

Miss Meaghan: Yes; local governments receive the submissions.

Hon COL HOLT: Do you know whether the council received submissions?

Miss Meaghan: They did receive submissions.

Hon COL HOLT: Do you not know what they are?

Miss Meaghan: Not specifically. It was in 2003, so I am sorry about that.

Hon COL HOLT: That is fine; I am interested in when opportunities for consultation occurred.

Miss Meaghan: Yes. That occurs, I guess, formally, but 42 days is a minimum, so local governments may elect to advertise that for longer if they feel it is warranted.

Hon COL HOLT: Thank you.

Miss Meaghan: As a result of the zoning, the proponent—the landowner—prepared an outline development plan for the land, which was adopted in 2000. Would you like me to run through all of that; it is outlined in this handout?

The CHAIRMAN: I think so. You have already clarified a few things for us.

Miss Meaghan: There is land zoned and a development plan adopted that outlines how the land may be subdivided. In October 2003 a subdivision was received for stage 1 of the outline development plan. At this same time the WA Planning Commission had started to prepare a Gingin coast structure plan, which is a strategic planning document that covers the coastal portion of the Shire of Gingin. That is essentially from Moore River to the south, up to Lancelin in the north. That was to establish a settlement hierarchy for the towns of the Gingin coast. That was being advertised at the same time that scheme 9 was being advertised and when the subdivision had been lodged. In March 2004 the then Minister for Planning and Infrastructure requested the WA Planning Commission to review the adopted outline development plan. I understand that it was an election commitment of that government to prevent the development south of the Moore River from occurring. That was quite a big step, obviously. As you can see, there are a number of community consultations. A community advisory group was established for the Gingin coast structure plan. At that time the chief executive officer of the Department for Planning and Infrastructure, senior staff and the chairman of the WA Planning Commission were meeting with the minister to discuss this issue.

Hon COL HOLT: Minister MacTiernan I assume —

Miss Meaghan: Yes.

Hon COL HOLT: They basically said, “Hang on a tick; let’s just hold up a bit on the development of the site”?

Miss Meaghan: Yes.

Hon COL HOLT: And then they said —

Miss Meaghan: On the Gingin coast structure plan side of things —

Hon COL HOLT: It was the structure plan, not the —

Miss Meaghan: And to review the outline development plan. I think, as the Gingin coast structure plan was being developed, it was an opportune time.

Hon COL HOLT: Due to an election commitment and saying no to development, her response was to go back into more of a review planning mode?

Miss Meaghan: Yes; it was to review the strategic planning documents that applied to that area of the Gingin coast.

Hon LYNN MacLAREN: Prior to the Gingin coast structure plan there was no structure plan of that level of planning authority in that region?

Miss Meaghan: Correct.

Hon LYNN MacLAREN: So was all planning done by town planning schemes?

Miss Meaghan: And local government. Most of the local governments would have had a rural strategy or a strategy for some of their areas.

Hon LYNN MacLAREN: Some of that land on the south bank is crown reserve.

Miss Meaghan: Yes

Hon LYNN MacLAREN: Even though it is crown reserve, it would be zoned rural; is that right?

Miss Meaghan: Rather than zoned in a town planning scheme, crown reserves tend to be reserved in a town planning scheme, which recognises the land tenure. They would then be reserved for usually their reserve purpose, so it would be conservation or recreation.

Hon LYNN MacLAREN: That is, recreation and open space or whatever. So the original TPS 8 had some rural on that side and some crown land that was set aside in reserve.

Miss Meaghan: Yes.

Hon LYNN MacLAREN: So this was all about how we would go about developing that area? Then the state government weighed in and said, "Before we make a decision up here, we need a big structure plan to look at the whole coast to see where we are going with urban development in this area."

Miss Meaghan: Yes; the settlement hierarchy, I guess, for the Gingin coast.

Hon LYNN MacLAREN: Rather than the tail wagging the dog.

Hon COL HOLT: That was only Guilderton north, was it not?

Miss Meaghan: It was Guilderton in the south up to Lancelin in the north.

Hon COL HOLT: That is not even concerned with the area we are talking about is it?

Miss Meaghan: Yes, it is because that is in the Shire of Gingin, so it is all the coastal land in the Shire of Gingin basically west of Brand Highway.

Hon COL HOLT: So it is south of Guilderton then?

Miss Meaghan: Yes. Sorry; I meant the Guilderton area to the south.

Hon LYNN MacLAREN: Cath made a point of saying that the south bank is not Guilderton, so you are stuck on it?

Miss Meaghan: It is still in the Shire of Gingin, I guess.

Hon COL HOLT: That little crown land piece—15 hectares or whatever it is—is vested in the Shire of Gingin.

Miss Meaghan: Yes; and there are no changes proposed to that.

Hon LYNN MacLAREN: All right; I am up to speed.

Miss Meaghan: In September 2004, the statutory planning committee, which I guess is a subcommittee of the Western Australian Planning Commission, refused the proposed subdivision on the basis that it was inconsistent with the draft Gingin coast structure plan. That was a big step. Probably about a month later, the WA Planning Commission adopted the Gingin coast structure plan as final. It established, I guess, Guilderton with a settlement hierarchy of approximately 6 000

people. That is the future development size for that settlement and Lancelin being the main town with 12 000 population. That established that Lancelin would be the primary settlement in the Shire of Gingin and Guilderton would be the secondary settlement.

[10.30 am]

Hon COL HOLT: It sounds like the minister met her election commitment.

Hon LYNN MacLAREN: That was quick.

Miss Meaghan: That is only half of the story, however.

Hon LYNN MacLAREN: We like it when there are discrete pieces like that!

Miss Meaghan: When subdivisions are refused by the Western Australian Planning Commission, there is a right of appeal to the State Administrative Tribunal. The landowner elected to take that course of action.

Hon LYNN MacLAREN: Is it a single landowner?

Miss Meaghan: Yes, it is. Mr Plunkett is the name of the landowner. SAT processes can take a very long time. In this case, the appeal ran from approximately February 2005 and finalised only in July 2009. It was a four-year process. SAT dismissed the appeal in May 2007. The minister had also called in the appeal, which occurs when an appeal is considered to be of state significance.

The CHAIRMAN: That was in 2004.

Miss Meaghan: Yes. In calling in an appeal, the minister needs to be confident that the matter is of state significance. It is quite an unusual case. Of course, when SAT issued its decision in May 2007 the landowner then elected to appeal the SAT decision in the Supreme Court, which is the next option available to a proponent. That appeal had still not been determined at the time, by July 2009. It was eventually withdrawn by the proponent as a result of the government's decision to recognise the zoning. That is how the SAT side of things ended up.

Hon LYNN MacLAREN: Was it actually withdrawn, and you cannot go back; so is that the end of that road?

Miss Meaghan: Correct.

The CHAIRMAN: It did not need to progress because the government had decided to allow the development under those regulations of 6 000 people.

Miss Meaghan: Yes.

Hon LYNN MacLAREN: Do we have access to any of the material that the government may have used in making its decision at that time? In other words, was the government advised that the court case was pretty strong and it should really reverse that decision? What kind of official documentation exists in the ether of a pending appeal and a government decision?

Miss Meaghan: I may have some difficulty answering that because the State Solicitor's Office runs the appeal. As the planning department we provide expert planning advice.

Hon LYNN MacLAREN: Is the advice you provided to the State Solicitor's Office available to us?

Miss Meaghan: I do not know, I am sorry. It may be available through SAT, which publishes a lot of its decisions and matters. I am quite happy to investigate that, if you would like me to.

Hon LYNN MacLAREN: It would be interesting to see how that that went and what information was gleaned.

Miss Meaghan: There were four key grounds on which SAT dismissed the original appeal and that will be available on the SAT web site. I can provide that to the committee.

The CHAIRMAN: It would be good if you could provide that, if you do not mind. If you cannot answer some questions, we are quite happy for you to get back to us on them.

Miss Meaghan: Sure. I will make a note of that. In answer to the rest of the question about information available to government, the decision was made by cabinet and cabinet papers are confidential, so I cannot supply them. I am happy to talk about the issues, obviously.

Hon LYNN MacLAREN: Things are done before they go into cabinet, so they might be more available to us.

Miss Meaghan: The cabinet decision was reflected by press release, which I believe was also supplied to you. That really outlines a lot of the government's thinking, I believe. Obviously, I do not know what occurred at cabinet. But the word used in the media statement is "compromise" and that is what I think the decision is.

The CHAIRMAN: That is right. It is explained in that press release that, obviously, the government felt there was room for compromise there.

Miss Meaghan: On the decision to support it, the advice we had received from the State Solicitor's Office was that the state may be subject to a compensation claim from the landowner given that the land had been zoned since 1995. There was also the issue that the Shire of Gingin had resolved not to progress town planning scheme 9 with the urban development area removed, unless the state government offered them indemnity, because the shire was of the opinion it too would be sued by the landowner. That is where the impasse occurred.

The CHAIRMAN: You may not know, but were there other plans for development in that area too? When it was made urban back in 1995, obviously the shire wanted any development to take place in that area.

Miss Meaghan: Yes, it did.

The CHAIRMAN: Was it only the one developer or were there any other applications at the same time from other developers?

Miss Meaghan: No. The Plunkett landholding was the major development proposal for the Guilderton area. There is limited development potential in the existing town site of Guilderton. The population at the last census was approximately 150 people. It is a very small settlement now. As many of you would be aware, it is essentially a weekender town. The permanent population is low but, obviously, in peak periods the population is much larger.

The CHAIRMAN: I may have missed it, but what was the Gingin shire's position when it went to SAT? Was it supporting the developer or opposing it?

Miss Meaghan: The Shire of Gingin was not involved in the appeal directly because the subdivision decision was made by the Planning Commission. However, the Shire of Gingin has consistently supported development south of the Moore River. They see that area as a significant growth area and it believes that by having future populations there, the settlement can attract appropriate services in education, health and so on.

The CHAIRMAN: What I am trying to get at I suppose is, obviously, that is where the relevant shire wants its development to happen.

Miss Meaghan: Yes.

The CHAIRMAN: Obviously SAT disagreed and the government has said, "No, I think there is room for compromise." Is that a summation of it?

Miss Meaghan: Yes, that is a fair comment. I have seen two petitions lodged and obviously a lot of ministerial correspondence. The position of the Friends of the Moore River Estuary I believe is that development should not occur at all. That has been continued I guess through these petitions.

Hon LYNN MacLAREN: What is the water supply in that area?

Miss Meaghan: The water supply is being investigated now by the consultants engaged by the landowner. The Water Corporation supplies water currently to the town of Guilderton. There is some capacity in that system for additional households to be serviced.

Hon LYNN MacLAREN: On the north side of the river?

Miss Meaghan: Right now, yes. But the landowner and the consultants are currently negotiating with the Water Corporation to see what land could be serviced south of the Moore River.

Hon LYNN MacLAREN: Dare I mention the deep sewerage question. Is deep sewerage provided in that area.

Miss Meaghan: Not at the moment; however, it would be a requirement of development that deep sewerage be developed there. It is a standard requirement for urban development.

Hon COL HOLT: You mentioned earlier town planning scheme 9. Has that been finalised?

Miss Meaghan: No, because the —

Hon COL HOLT: Because of the impasse of indemnity?

Miss Meaghan: Yes. In November 2006, the shire resolved not to proceed with it unless the state government could offer indemnity. Advice received in August 2007 from the State Solicitor's Office was that there could be a way forward to relieve the impasse if the government was prepared to consider amendments to the town planning regulations.

[10.40 am]

Hon LYNN MacLAREN: In relation to the state town planning regulations for everyone?

Miss Meaghan: Yes; it is the State Town Planning Regulations 1967 which would give the Minister for Planning, through the WA Planning Commission, the power to advertise local government town planning schemes where a local government was unwilling to.

Hon COL HOLT: Is town planning scheme 8 still active?

Miss Meaghan: Yes, it is.

Hon COL HOLT: Is this area in scheme 8 we are talking about zoned urban?

Miss Meaghan: Urban development, yes. In addition, the WA Planning Commission has used town planning scheme 9 to guide other decision making in the shire, given the impasse.

Hon LYNN MacLAREN: To what degree does it refer to the Gingin coast structure plan? How does that weigh in? That was finalised in, what, 2006?

Miss Meaghan: In 2006, yes.

The CHAIRMAN: Is it still in place?

Miss Meaghan: The Gingin coast structure plan is. Town planning scheme 9 was prepared mostly in the early 2000s. It is not consistent with regard to the land south of Moore River.

Hon LYNN MacLAREN: The thing we always get to is the hierarchy of planning decisions. How does the structure plan fit into the town planning schemes and the world as we know it?

Miss Meaghan: In theory, a town planning scheme and other statutory planning mechanisms should accord with a strategic plan, which is what the Gingin coast structure plan is. However, the process of reviewing schemes and amending those schemes can take some time, and sometimes they can be slightly inconsistent.

Hon LYNN MacLAREN: If they are inconsistent, which one has to move? What is the hierarchy? Is the structure plan the state government's vision for that region—a visionary sort of strategic plan—and the town planning schemes try to fit within that vision, or does the vision adjust according to the town planning schemes?

Miss Meaghan: You are quite right; the strategic plan sets the vision and, generally, the schemes accord with that. As they are reviewed, schemes generally start to fall into line with the strategic plans. In fact, when the schemes and amendments are assessed by the WA Planning Commission, they are assessed against the relevant strategic plans that are in place.

Hon LYNN MacLAREN: So in town planning scheme 8, there existed no structure plan. Town planning scheme 8 was trying to do the best it could without this overall strategic vision. Now we have an overall strategic vision, and presumably town planning scheme 9 would try to reflect that.

Miss Meaghan: Yes.

Hon LYNN MacLAREN: But you are saying the vision has a sort of blind spot, so it has left a little gap over that area because it is controversial; is that it?

Miss Meaghan: The vision says that Guilderton should have an end population of 6 000 people.

Hon LYNN MacLAREN: Is it prescriptive about where that is?

Miss Meaghan: On the structure plan itself there is a hatched area in a kind of a blob, I guess, north of Guilderton.

Hon LYNN MacLAREN: So there is nothing indicating that the structure plan had in mind urban development south of Moore River.

Miss Meaghan: That is right

Hon COL HOLT: But the Shire of Gingin did.

Miss Meaghan: That was notwithstanding the fact, however, the land was already zoned. Even the strategic document will not change the base zoning in the scheme.

Hon COL HOLT: In fact, they did not even recognise the zoning of that area, did they?

Hon LYNN MacLAREN: Obviously, you try to go in with the highest vision. You probably do not look at what is the nasty little hash mark—at what is there—and then try to build a vision on top of that. You ask: what would we like in a perfect scenario?

Hon COL HOLT: It is not a vision, is it; it is a structure plan, is it not?

Hon LYNN MacLAREN: You hope the towns contribute to the structure plan and feed into it.

The CHAIRMAN: It sounds as though the shire had a vision all along. It is the shire's area and it was its preference to have it zoned urban.

Miss Meaghan: Very much so, because it had a single developer, who was well resourced to develop the land and to provide all the infrastructure that needed to happen to make Guilderton a sustainable community. That is the shire's position. The land to the north of Guilderton was identified in the structure plan as suitable for future development. That land is also quite constrained. Immediately north of the town is land that could be available but it contains a number of Guilderton's essential pieces of infrastructure. There is a navigational beacon, which requires a buffer; the Water Corporation bores that supply water to Guilderton; and a small quarry. That land is quite constrained in itself. To the east of Guilderton there is a large parcel of land owned by the Catholic Church. It has some intention to develop that land. Further north is a pastoral lease.

Hon LYNN MacLAREN: So there is a bit of land to develop.

Miss Meaghan: There is. I guess from the council's point of view, the land to the south that was owned in freehold by one landowner could easily be developed. The land to the north was very constrained. Some of it is crown land, which would likely require land assembly and native title processes; essential service infrastructure that would need to be probably relocated; and the Catholic Church land then to the east was privately owned land, so the government could not force anyone to develop it.

Hon LYNN MacLAREN: It would be interesting to look at the urban sprawl as it was in 1995 and as it is now, which is some 15 years later. It is hard for one shire to take into account the big picture of how the city is encroaching along the coast. I do not think anyone could have predicted the speed and scale of urban development along that northern corridor. It would have been hard for decision-makers to take that into account, which is probably why the state government was very wise to introduce a structure plan to try to incorporate that planning because our metropolitan region scheme goes only so far. The state government was incapable really of taking that planning vision north unless it developed a structure plan. By then, of course, the towns are not thinking about everything else around them, but about what is their mandate to plan for. I can see why it happened.

Hon COL HOLT: Was the minister of the day the one who set up the community to develop the coastal development?

Miss Meaghan: The Gingin coastal structure plan, yes.

Hon COL HOLT: I guess it is still relevant now. Has the new minister adopted it?

Miss Meaghan: It carries on anyway through the WA Planning Commission, which has the head of power to adopt those plans.

Hon COL HOLT: Do you know whether he has any plans to review it?

Miss Meaghan: My team is preparing a wheatbelt strategy. It is the entire wheatbelt, which takes in the coastal shires of Gingin and Dandaragan. That will review and update the structure planning that has occurred in those areas, including a settlement hierarchy. That is still a way off. But that is the big growth pressure for the wheatbelt region. As you have the drift of people leaving the eastern wheatbelt, there is increased pressure on the coast. In particular, there is also another structure plan to the north. It might be called the central coast subregional strategy. I will confirm the name later. That was prepared in 1996, so it is out of date, although a lot is still relevant, particularly for the settlements in Dandaragan such as Jurien Bay and Cervantes.

The CHAIRMAN: That review comes with population shift.

Miss Meaghan: It does.

The CHAIRMAN: Although the pressure was being applied back in 1996, it may be different now in 2010.

Miss Meaghan: Remarkably, not heaps has changed in that area of the coast. However, the big issue is that there are major development plans for Jurien Bay, Lancelin and Guilderton now. That area does not have a senior high school. It is also quite poorly prepared in terms of emergency responses for hospitals and so on. Part of that planning needs to establish the settlements in that area as requiring those essential services of education and health.

[10.50 am]

Hon LYNN MacLAREN: Is the plan for Lancelin to have 12 000 residents. Would that be a place where you might put a high school, for instance.

Miss Meaghan: I imagine so, yes.

Hon LYNN MacLAREN: Is there this kind of opposition to urban development in Lancelin or is it mainly the Guilderton mob that is making a noise?

Miss Meaghan: Yes. Major amendment 93 is pending in Lancelin to town planning scheme 8, which establishes an area also south of the townsite, Lancelin South. That proposal was originally for 4 000 dwellings, approximately 12 000 population. The minister has granted consent to advertise that amendment requiring that the development area be scaled back to 1 000 dwellings for the first stage. That is quite well advanced, and the Lancelin community has been very supportive of that development. It very much wanted that development to occur.

Hon LYNN MacLAREN: As did the Gingin shire I assume.

Miss Meaghan: Yes; again that is Gingin's vision: Lancelin as the major town and Guilderton as what they call the lower coastal town.

The CHAIRMAN: The final say is the minister's, and if he felt there was room for compromise rather than not allowing the development, is there no more room for appeal at SAT as far as the community is the concerned?

Miss Meaghan: The minister referred the whole Moore River issue to cabinet, so it is a cabinet decision. In terms of statutory planning, the minister will have a role in considering town planning scheme 9 now that the impasse has broken. That should be the end of the minister's formal involvement. The outline development plan that is being prepared now as a result of cabinet's decision will be endorsed by both the Shire of Gingin and the WA Planning Commission.

The CHAIRMAN: Will be or needs to be?

Miss Meaghan: Needs to be. It will be in the future. The plan is being prepared.

Hon COL HOLT: It may not be; it is depending on what it says, does it not?

Miss Meaghan: Yes.

Hon LYNN MacLAREN: I think the other part of Brian's question was about opportunities available for the public —

Miss Meaghan: Yes; very much so. That will primarily occur through two mechanisms, one is the outline development plan, which will be publicly advertised. From, talking to the Shire of Gingin and the proponents, obviously, we know that the Friends of the Moore River Estuary are not happy with the government's decision, so factored into the advertising will be community consultation.

Hon LYNN MacLAREN: As someone who is a little interested in the term "community consultation", sometimes what the community can be consulted on is very constrained. If they are consulted on this outline development plan, do they still have an opportunity to comment on any development at all on that south bank or is their comment restricted to the type and scale of development on that south area?

Miss Meaghan: That is a good question. The statement issued by Minister Day said that the zoning of the land was not in question any more. What remains is the form of that development. I think that again will be unpalatable to the Friends of the Moore River Estuary because their position is to have no development at all. However, within the context of development occurring south of the Moore River there will be opportunity for that group and others to comment on any element of the outline development plan, which will also include the environmental issues on site, particularly water management and other coastal and riverine setbacks. They are quite fundamental. I think the Friends of the Moore River Estuary perhaps think the estuary itself is under threat. Previous advice provided to the group is that we estimate at this point, notwithstanding that the outline development has not been submitted, the setback from the Moore River will be in the order of one kilometre. It is a significant setback. The visual impacts will also be considered. If you are in Moore River it is highly unlikely that you will be able to see a major urban development on the south bank. At various points a couple of roofs or dwellings may be visible, but it is not as though they would be sitting opposite somewhere like Beaumaris.

Hon LYNN MacLAREN: My understanding is that the concern is not just that there might be a structure on that, but the additional people who will have easy access to a quite protected area at the moment. Access to that area is very difficult as far as I understand.

Miss Meaghan: Yes, it is. The area immediately next to the river is very dense bushland.

Hon LYNN MacLAREN: Even if you had houses back a kilometre from it, you would have how many people potentially using that area, coming to the river? It is not just the concern about

building structures, sewerage and water services on that side of the river; it is also the impact of the people living in that fragile environment.

Miss Meaghan: The foreshore and riverine access and management will be addressed as part of the outline development plan. The proponents—this is just from me attending a site visit with them—are looking at defined access points to the coast and river. Between the local government and the proponent there will probably need to be agreement in terms of developer contributions for those types of matters because we know that that Gingin coast area is under a lot of pressure already.

Hon LYNN MacLAREN: Was the Plunkett-owned property ever valued? Was there ever an estimate of how much it would cost to purchase that land, which is something Friends of the Moore River Estuary suggested.

Miss Meaghan: I do not know the answer to that but I can investigate that for you.

Hon LYNN MacLAREN: It would be great to know whether it was valued and when.

The CHAIRMAN: Development has been approved to a certain standard. Does the EPA come in now? Has any EPA process started?

Miss Meaghan: No. When the original amendment occurred that was prior to the planning and environmental legislation being amalgamated. That occurred in 1996. At various stages through this process, in particular the subdivision stage, the EPA would have had an opportunity to call that in. The EPA has not set a formal level of assessment for development of this land at any stage. Through the outline of the development plan, that document and supporting technical documents will be referred to the agency for comment.

The CHAIRMAN: I suppose that is when consultation with the community will happen as well.

Miss Meaghan: Very much so, yes.

The CHAIRMAN: Depending on what they want to do.

Miss Meaghan: It will depend on what they want to do.

The CHAIRMAN: The developer is currently undertaking visual impact studies. Is that with the shire?

Miss Meaghan: There is a subconsultant investigating visual impacts. The WA Planning Commission has a guideline for assessing visual impacts that can assist the proponent to do that. I believe it is also undertaking some environmental assessment of its own for the broad environmental issues on site, bearing in mind that the vast majority of the site is cleared land. It is land that had been used historically for grazing and farming. Remnant vegetation is quite minimal on site and the proponent intends to protect what is already there.

Hon LYNN MacLAREN: Is the 20 hectares of crown reserve cleared land?

Miss Meaghan: No. That is not part of the landowners holding.

Hon LYNN MacLAREN: Is that immediately south of the mouth?

Miss Meaghan: Yes, it is. That is fully vegetated by the way.

The CHAIRMAN: It is getting outside your field, but it mentions a connecting a bridge for the shire.

[11.00 am]

Miss Meaghan: Over the years, there has been a need for a bridge to connect the two settlements so there would be Moore River south and north. My understanding is that council adopted a policy—I am not too sure of the date—that a bridge would be required across the river. The state position when contacted as part of the cabinet decision was that such a connecting road would be unlikely to be a state road in terms of state responsibility; therefore, we would not necessarily require it through

the planning process. However, that is something that the Shire of Gingin and the proponent will need to discuss. There are varied options for and against a bridge. One is that the land area to the south obviously is much larger than the area of land to the north. With potentially 2 000 dwellings and up to 6 000 population, that area may develop to have a greater level of amenity in terms of services; therefore, it stands to reason that the area to the north may wish to access it more readily to get to the facilities needed?

Also building such a bridge would be on Mr Plunkett's land, so various access and environmental approvals will be required. Obviously, crossing a river is very expensive so, from a planning point of view, particularly when the WA Planning Commission is looking at future subdivision of the land, which may be years away, in applying a condition of subdivision to construct a bridge we would need to be confident that the development generated the need for it so that applying that condition was fair and reasonable.

The CHAIRMAN: It would have to go through the buffer would it not, or be part of it?

Miss Meaghan: From what I understand, the easiest point of crossing was to the east of the landholding, so it would be at a narrow point. It would be east of the Guilderton townsite.

Hon LYNN MacLAREN: How far from the mouth of the river do you think?

Miss Meaghan: Probably two to four kilometres. It is significantly removed. Obviously the mouth of the river is wide and has a lot of variation in closing up and shutting down. The access point was to be a very narrow one. That is an unresolved issue that the council and the developer will be negotiating heavily in the coming months.

Hon LYNN MacLAREN: Is there any opportunity from your perspective as a planning professional to halt urban sprawl?

Miss Meaghan: Do you mean urban sprawl, full stop, or in this location?

Hon LYNN MacLAREN: I mean urban sprawl of the Perth metropolitan region, which is only 16 kilometres south of this river.

Miss Meaghan: It is my opinion, and I think the advice we have provided previously either through a petition to this committee or directly to the Friends of the Moore River Estuary, was that the area north of the metropolitan region could not be developed for urban land uses because it was either existing conservation or proposed conservation estate and also brought in some of the western edge of the Gnangara water mound. My advice as a planning professional is that we would not see the Perth metropolitan region coming up to meet this development area south of Moore River.

Hon LYNN MacLAREN: Do you see a southern boundary of the Moore River development that you are talking about? Is the boundary the end of Mr Plunkett's land?

Miss Meaghan: I do not know whether it is the end of his land, but I would definitely consider the zoning to mark the end the boundary given that the existing zoned land provided for approximately 5 000 dwellings and 15 000 population. By reducing it by 60 per cent, it is unlikely that the development will go to the edge of the zone anyway, if you catch my drift. The zoned land remains, but the actual scale of development will be reduced by 60 per cent.

The CHAIRMAN: Two thousand dwellings rather than 5 000 is quite a big reduction.

Hon LYNN MacLAREN: I would still be interested to see from where we are already encroaching. Almost everyday we get an MRS amendment in the Legislative Council that refers to the creeping effect from the city. I would like to see that coast and where is the no-go development zone.

Miss Meaghan: I have prepared a map on that in previous correspondence to do with this development. I am happy to supply that to this committee because it shows quite clearly that there is no proposal for that to occur.

Hon LYNN MacLAREN: I would appreciate that.

The CHAIRMAN: Towns like Gingin, Jurien and Cervantes do not want to be restricted from development themselves. It is probably a good thing to get people out of the city. The development may come back towards Perth; it is not so much Perth going up.

Hon COL HOLT: It will stop the urban sprawl if we allow these sorts of things.

Miss Meaghan: We need to establish very clear settlement hierarchies and nodes. There is also the issue of Indian Ocean Drive, which will increase access though that area of the coast. In addition, on that Lancelin road there are a number of rural residential estates that also serve as a catchment for those towns. There is a lot of pressure on that area for schooling because the nearest primary school is in Quinns Rocks, which is a fair commute.

The CHAIRMAN: Thank you, Cath, for coming in. It was very enlightening. We have been here quite a while, so it has made the issue a lot clearer for us. Thank you very much.

Hearing concluded at 11.05 am