

MINDARIE KEYS, WESTERN AUSTRALIAN PLANNING COMMISSION

**356. Ms MacTIERNAN to the Minister for Planning:**

- (1) Will the minister confirm that a subcommittee of the Western Australian Planning Commission considered the development of the fixed marina in Mindarie Keys for two commercial fishing boats on 31 October 2000 and resolved to reject the development, even though the minister had earlier approved the project?
- (2) Will the minister confirm that the chairman of the WA Planning Commission referred the matter back to that statutory planning subcommittee of the WA Planning Commission, which then reversed its earlier decision and approved the development on 14 November?
- (3) Why did a senior member of the minister's staff contact Simon Holthouse, the Chairman of the WAPC, after the original refusal and discuss the matter with him?

**Mr KIERATH replied:**

- (1)-(3) I will explain the process that led to the approval for the development of the fixed jetty at Mindarie Keys for two commercial fishing boats. The process required the approval of the local government authority for the approach to the jetty and the approval of the Western Australian Planning Commission for the wider jetty environment. Both approvals have now been given. Local government approval was granted on appeal, while the WA Planning Commission approval was confirmed by its statutory planning committee in support of technical planning advice.

The statutory planning committee had initially refused approval, but that decision had been made in the absence of the chairman and subsequently without the complete facts at hand. The chairman had previously held a senior position with the project developers of the Mindarie Keys development and had pertinent information that needed to be considered as part of a fair and equitable process. The committee made an initial decision contrary to the technical advice of the Ministry for Planning and in the absence of the committee chairman. Quite responsibly, the committee decided to revisit its initial decision to ensure all available information was considered. There would have been more concern if the process had not recognised the weight of the technical advice on the project and the additional and relevant contribution of the chairman. I am satisfied that the correct procedures have been followed and a decision has been made in consideration of all the relevant information.

The additional information considered by the committee related to noise and jetty licence restrictions. In particular, it consisted of full copies of generic jetty, mooring and commercial pen licences. The residential jetty licence does not prohibit the mooring of commercial vessels for the lot in question. Commercial and residential pens throughout the harbour have the same morning engine start-up time. The additional information also referred to the amenity impacts and operation of the other crayfishing and commercial vessels moored to the south side of the harbour in similar proximity to the lots in question. Approval by the committee was granted subject to 14 conditions.

Following my appeal ruling in favour of the development, the committee chairman raised the need for the second approval requirement during a regular meeting with me, as minister. By this stage I had already upheld an appeal on the development. My position was clear and had been made public. Subsequent to the initial decision by the committee, the chairman contacted ministerial staff to relay concerns that not all relevant matters had been addressed. Ministerial staff had also spoken to Ministry for Planning officers to pass on concerns raised by residents opposing the development who wanted a number of conditions imposed with any approval. A number of conversations were held between the chairman, ministerial staff and other planning officers after the new information came to light and the residents sought help to have their concerns addressed. When the chairman advised that he was preparing to present additional information to the committee, staff from both the ministerial office and the ministry took steps to put on hold the initial decision's announcement. Clearly the matter had not been fully considered and to make any announcement would have been premature.