

21 August 2008

MEDIA RELEASE



STATE ADMINISTRATIVE TRIBUNAL DETERMINATION FOR SMITHS BEACH PROJECT

The Development Guide Plan (DGP) for Location 413, Smiths Beach has been referred to the State Administrative Tribunal (SAT) for determination, Canal Rocks chairman David McKenzie said today.

The statutory 240 day period within which the planning scheme states that the proposal must be determined by both the Busselton Council and the Western Australian Planning Commission has long expired. It is three years since the application was lodged with the Shire.

Canal Rocks agreed to a number of extensions so that the Shire could meet its responsibilities, however it has consistently failed to do so. The latest agreed extension expired in early August.

"The Shire of Busselton appears to be incapable of completing its report to Council," Mr McKenzie said. "We have lost faith in the independence of the Shire's review process and the ability of the Shire to comply with the requirements of the Planning Scheme.

"It is with regret that we now refer the project to the State Administrative Tribunal for a truly independent assessment. We decided there was no option in the light of advice from the various approval agencies that they were all waiting on each other prior to making decisions. We are locked in a 'Catch 22' situation and the SAT is the only circuit breaker available."

The project's strategic planner Michael Swift said the 240 day determination period and 10 week public comment period for the Smiths Beach DGP, which closed in early November 2007, were the longest of their type for a project of this nature in the South West.

"These conditions were special standards created by the Busselton Shire solely for the Smiths Beach project," Mr Swift said. "At every stage Canal Rocks has gone above and beyond the standard requirements of local and state government legislation for the assessment of a development of this type.

"A number of unprecedented barriers and hurdles outside normal process and scheme/policy requirements have been put in place to make the lodgement and assessment of the DGP more difficult for Canal Rocks, but the proponent has cooperated at every step, providing additional information and funding independent reports and reviews for the approval agencies."

Mr Swift said the DGP more than complied with guidelines set out by the Minister for Planning and Infrastructure Alannah MacTiernan and changes to the Leeuwin-Naturaliste Ridge Statement of Planning Policy relating to reduced density of development, increased tourism components, community access and the availability of family accommodation.

"The South West is badly in need of more high quality and affordable tourism accommodation. The Smiths Beach project delivers both of these for the whole community to enjoy while protecting the special environmental values of the site. Protecting the environmental values of the site is critical to the project's success."

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