

STATE ADMINISTRATIVE TRIBUNAL

Statement

HON COLIN TINCKNELL (South West) [5.26 pm]: Earlier today I asked some questions about a petrol station that is being built in Dunsborough. It has caused a major stir in the community and has resulted in many articles for many months now. It is as though the whole community has come out against the development. I would like to explain our problems with the decisions made by the State Administrative Tribunal.

The decision was based on black and white legal definitions and is a black-letter decision. It did not properly take into account the wishes of the local community, the City of Busselton's long-term plans for the future or the expert opinions of those infinitely qualified in urban development, planning and local government. It is of great concern to us that this has been the direction of the SAT in the past few years. It has become a by-the-letter legal agency, and that is not its intent. Problems arise when one or two lawyers and mediators with no experience in local town planning, urban development or business are able to overrule a decision made by five infinitely qualified professional experts. Town planning and regional bureaucrats are not able to stand up to and defend themselves against a team of QCs. They are meant to be flexible to fit with the local community, and they are not legalistic. Local town planners and local government employees are given rough templates of what planning regulations should look like. They are then adjusted to fit in with local government planning and are not meant to be set in stone or held up to the onslaught of legal technicalities brought on by QCs and black-letter decisions.

Two years ago the state government offered a set of new guidelines and templates for local councils. Many have not even got off the ground or made amendments to them. When local government guidelines conflict with state prescribed ones, the state always wins. After this unfortunate turn of events, we may have to make it a priority to prevent big business and big developers from coming into cities and shires and upending long-term visions for regions and the local community.