

Standing Committee on Uniform Legislation and Statutes Review — Ninety-third Report — “Review of the Planning and Development (Development Assessment Panels) Regulations 2011”

Resumed from 23 September on the following motion moved by Hon Sue Ellery —

That the report be noted.

The CHAIR: The question is that the report be noted, and it is the continuation of remarks by Hon Sue Ellery.

Hon SUE ELLERY: Thank you very much, Madam Chair, for reminding me that this is the continuation of my remarks. I do not have my file with me. However, I know the issue well enough, and I had made these points in my previous contribution.

One of the recommendations in the committee report is that we need to provide much better public information to ensure that people know how to make a complaint about the process. In the course of the committee seeking evidence from members of the community, it received evidence from representatives of a group of people with whom I have done some work, and with whom Matt Taylor from the Legislative Assembly had done some work, who were opposing a particular development in Alfred Cove. During the course of giving evidence to the committee, the representative of that group made the point that he had not been aware that a complaints process was in place. It is interesting to note that that was a very active and well-organised group, yet neither the people in that group nor Matt Taylor, I and all the other people that group sought advice from about what they could do about this particular decision that they were very unhappy about were aware of that complaints process. It is an extraordinary set of circumstances if members of Parliament are not able to give people the advice they need to enable them to pursue every possible avenue and raise with government their concerns about a decision.

That is only one of the recommendations in the report. However, I hope that action will be taken on that particular recommendation to ensure that members of Parliament are provided with information about the complaints process. I hope also that that information will be made clearly available on the website of the State Administrative Tribunal, and on the websites of local governments—because we are talking about development decisions that are approved by local governments—and also to local libraries and the range of organisations that provide people with advice on how they can progress matters. We need to do better in helping people to work through this process.

The committee report stops short of recommending third party appeals. I know that some members of the community will be disappointed about that. However, in the absence of third party appeals, what this government should do is put in place a planning and development framework.

The CHAIR: I take this opportunity to let Hon Sue Ellery know that she has another 10-minute allocation that she can use to make a contribution on this report. The question is that the report be noted.

Hon SUE ELLERY: Thank you very much, Madam Chair, and thank you to my faithful assistant.

The committee report did not recommend third party appeals. The point I am making is that the government should address that by putting in place a well-coordinated and well-understood planning and development framework. I think most people would subscribe to the theory that we need to stop the sprawl of Perth north to south and encourage higher density developments around public transport nodes and around the places where people work. However, if we want to encourage people to build higher density housing developments, we need to make it clear to them where we believe those developments should be located. What is happening right now is that we are getting random higher density developments, not unlike the one in Alfred Cove that caused such great distress to local residents. That is not necessarily the fault of developers. They are operating in a vacuum. That vacuum exists because this government has not put in place a planning and development framework that tells people where the government wants to see higher density, and what the government is doing to pull the relevant levers and facilitate the infrastructure that is required to support higher density developments.

Those are the comments that I want to make. I thank the committee for its report. This issue will continue to be a bugbear until this government puts in place a proper planning framework—or until Western Australia elects a McGowan government, because that is what a Labor government will do.

Hon SIMON O'BRIEN: I thought the debate was about to collapse through lack of interest, and that would have been a pity because this is a very important issue. I thank the Standing Committee on Uniform Legislation and Statutes Review for its report. I think a lot of observers were a little surprised by the tone of the committee report and the fact that it did not more conspicuously exhibit some teeth. I certainly would never criticise a report of any of our standing committees, and I am not doing so now. I am just saying that the committee's generosity of spirit was on display, and its restraint was admirable on this occasion. I guess that is symptomatic of the inquiries into these sorts of processes that have taken place over the years. However, this is a serious matter, and it has captured a great deal of public attention. Many people are pretty concerned and upset about this issue.

In response to that public attention and concern, one of the standing committees of this house conducted an inquiry, interviewed a lot of people, and compiled an extensive report. A heck of a lot of work and resources go into a committee inquiry and report, with staff at the committee office and all the rest of it. However, I do not know that we always get the outcome that we might have hoped for from government. This seems to be a fairly standard occurrence. I have been involved with committee reports not unlike this for many, many years. Committees go to a great deal of trouble to make recommendations. Therefore, it is a pity that governments then feel for some reason that they are unable to do much about a committee report except back away from the report and its recommendations. I have always been absolutely perplexed as to why a government would not say, “Hang on. Let us take this on board in the spirit in which it is intended. It is apparently an independent review of what is happening. It takes on board the public concern. Perhaps this could be the circuit-breaker by which we can adopt a slightly different tack on this matter and derive the benefits.” When a committee puts forward suggestions in good faith in response to identified problems, why would a government not say that? A government is not showing any weakness by doing that. It is not saying that it has been dragged kicking and screaming into doing this by some opposition media release or something like that. A committee report is a long and exacting process. That is the generic point I would like to make about these sorts of reports. There are a few other reports on the notice paper, and I know that a few other reports are in the pipeline. I have seen enough committee reports over a long time, and it disappoints me that so many good committee reports are treated in the way that they are by successive governments. Typically, the government response will come out in the form of a letter that, at face value, seems to acknowledge that the report is very welcome and that the government is taking notice of it, but then it actually does not do anything much except bat away the concerns that have been raised in the report and ignore, in one way or another, the proposed solutions. I think members can understand why I find that disappointing.

I also acknowledge of course that a committee and its members, no matter how well motivated, is not necessarily the repository of all wisdom. Even with the best of intentions, committee recommendations may be coloured, not, I hope, by personal prejudices or bias, but perhaps by a lack of experience relative to the government agencies that the committee members are dealing with, and that is understood as well. I am not suggesting for a minute that all standing committee reports on activities of government should be taken on board, but I would like to see a bit more notice being taken of ones on issues such as this one.

What really prompted me to get to my feet, though, was a comment by the Leader of the Opposition, just before she sat down, about where the solution might lie in relation to the matter of joint development assessment panels; there still seems to be some disquiet in that area. I was listening on the radio this morning to a station that had the state Leader of the Opposition, Hon Mark McGowan, as a guest. As luck would have it—the Council Leader of the Opposition will be delighted by this—someone rang up to ask, “Mr McGowan, what are you going to do about development assessment panels?” The answer he gave was consistent with other answers given on talkback radio this morning, in that he fudged all around it but did not really have the answers. Therefore, I was delighted to hear from Hon Sue Ellery that although there was something obviously restricted in the scope of that radio interview and its forum, in fact, the Labor Party does have the answers to this problem. Apparently, the solution to any problems anyone has with these development assessment panels is to vote Labor and it will go away! Unfortunately, we were short-changed. I know Hon Jim Chown was very disappointed that the honourable Leader of the Opposition ran out of time just as she was about to tell us what to do about this vexing problem of development assessment panels! I do not think she has any more time.

Hon Sue Ellery: Yes, I do.

Hon SIMON O'BRIEN: Has Hon Sue Ellery got any more time?

Hon Sue Ellery: Yes, I've got about another 10 minutes.

The CHAIR: No, you have about six minutes.

Hon Sue Ellery: The point I was making, if you'll take the interjection, is that in the absence of a proper planning framework about higher density and where it should be, Labor has committed to providing a proper planning framework about higher density. It is called metro hubs.

Hon SIMON O'BRIEN: That is not quite what we are talking about in this report, but —

Hon Sue Ellery: No, I was talking about higher density. The Alfred Cove issue was an example of where higher density planning exists in a vacuum, and I was saying we have to get rid of that vacuum and provide a proper planning framework. Sorry, I've taken up all your time now.

Hon SIMON O'BRIEN: That is all right; I have two more bites of the cherry available to me under the current standing orders as they apply. Again, like Hon Jim Chown, I am shattered that we have heard all that we can from Hon Sue Ellery, other than by unruly interjection! No doubt, the Labor team is a strong and resilient one and the tail wags forever, so I am sure some of the member's colleagues will stand now and tell us how it is that

Labor is going to overcome this great evil through metro hubs. I look forward to responding after they have had their say.

Hon SUE ELLERY: What I would like to do is —

Hon Simon O'Brien: Seek leave?

Hon SUE ELLERY: No, but I am going to leave the chamber in a few minutes on urgent parliamentary business, which is not related at all to Hon Simon O'Brien! If I may, the chair of this standing committee is Hon Kate Doust and she is out of the chamber on urgent parliamentary business. Is there a way for me to do whatever it is I have to do so that she can speak next time?

Consideration of report adjourned, on motion by Hon Sue Ellery (Leader of the Opposition).