

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

Second Reading

Resumed from 20 May.

MS C.M. ROWE (Belmont) [11.13 am]: I rise to make a brief contribution to the debate on the Planning and Development Amendment Bill 2020. COVID-19 has undoubtedly had a really severe impact on the Western Australian economy, particularly for the innumerable number of Western Australians who have lost their jobs or suddenly found themselves to be dramatically underemployed. At a time when our state is facing the worst economic crisis since possibly the Great Depression, I would like to congratulate the Minister for Planning for bringing forward a significant bill that will, hopefully, stimulate much economic activity. After many years of extensive consultation, the amendments proposed in the bill seek to stimulate the economy, create vital job opportunities and, importantly, remove unnecessary and burdensome red-tape restrictions. The Planning and Development Amendment Bill 2020 will not only assist our state's economy on the long road to recovery, but also implement a more flexible, responsive and contemporary planning system. This contemporary planning system will benefit many, including small business owners, homeowners who are seeking to build patios and pergolas, and community members who want to partake in a more extensive and consistent consultation process on planning right across our community. Numerous elements of the bill seek to simultaneously bring about beneficial planning reforms—and quite sweeping reforms at that. The bill also provides an urgent response to COVID-19 in an economic sense, in how it relates to planning and development.

One of the significant changes in this bill relates to community engagement, which will be of great interest to many locals in my electorate. As the member for Belmont, I have witnessed community members actively and enthusiastically partaking in planning and consultation with local councils right across the electorate. They have a really strong desire to contribute to the future of their street, suburb and community. However, locals in my electorate do not feel that this has been adequately afforded to them in relation to planning. This bill seeks to improve community engagement and consultation by elevating local planning strategies, introducing consistent and transparent consultation practices and ensuring that real community benefits flow from major developments. That is a critical part of the bill, and I really welcome that element. This has been absent from my electorate in recent years, so it will be of great interest to people right across Belmont. These changes will ensure that there is meaningful community consultation. The critical word here is “meaningful”, because certainly in my electorate of Belmont, there has not been a welcome or fulsome approach to community consultation in the past. I know that the council has been working on improving that area. This will also alleviate confusion and ensure that there are no sudden surprises about the types of development that can occur within our suburbs. Again, that will be very much welcomed across my electorate.

Constituents often come to see me about developments that have gone ahead. The horse has bolted in relation to consultation, but they really had no opportunity to have any input. If there was an opportunity for consultation, from their point of view it was insufficient or came too late because the project was going ahead regardless. I would like to illustrate this by example. When I was newly elected to the seat of Belmont, late one night, while I was sitting in Parliament, I received a phone call from a constituent who was incredibly distressed because a 24-hour truck stop and service station was going to be built a couple of houses up from where she lived. She had no idea when she bought in this quiet part of my electorate that that would ever be a possibility under the planning scheme. Of course, there was no opportunity for any of the locals who were directly affected by that decision to have any input in the decision—it went straight through the council and was approved by the State Administrative Tribunal. It was very disappointing for locals. In fact, I think this constituent may have moved out of the area because she felt completely robbed of having any say in her community. Her view, which I agree with, was that having a 24-hour truck stop and service station on the corner of her street would not only dramatically affect the amenity of the area but also have a direct impact on her capacity to enjoy peace and quiet in her own home. Members can imagine that this development would cause significant noise disruption through all hours of the day and night. That is one of many examples. I could go on, but I will not.

Community consultation is a really important element of the bill and will be very much welcomed by my constituency of Belmont. This bill will ultimately give residents a greater say in setting the future vision of their community. That is an important element as well, as it will give people an opportunity to feel a sense of ownership of the look and feel of the communities in which they live, play and work. This is principally done by extending the minimum period of community consultation for local planning strategies from 21 to 35 days. That will allow a greater time in which to provide feedback, and will also improve the opportunity for feedback because documents will be available online rather than having to be inspected in person. That is a much more modern and contemporary approach. These reforms will influence people's ability and inclination to provide feedback in the consultation process and have a direct say on the shape and look of our community, which is great.

I will give another example of a broader approach to consultation. Before I was elected as the member for Belmont, I worked with the Belmont Community Group and locals in Ascot Waters who approached me to help them campaign

to stop a development going ahead in their neck of the woods. Ascot Waters is a particularly beautiful part of my electorate right on the Swan River. A lot of restrictions determine what residential developments can go ahead in that area. The area contains low-rise residential developments and underground power; it has been very thoughtfully planned and there is a lot of consistency and continuity around the design of residential homes in Ascot Waters.

When the council proposed to build a 15-storey high-rise development for aged care—CraigCare was going to develop it—the locals were absolutely outraged, not because they did not want to have an aged-care facility in their neighbourhood, but because they had been robbed of the opportunity to have a say in what it might look like. This development was going to be thrust upon them by the council and they felt very aggrieved by that process. One of the flaws that came through from the consultation process that was offered by the council was the fact that consultation had been offered to the community by way of advertising in the local paper. Unfortunately, the local paper has never been delivered to Ascot Waters so they were not even aware of it. This process will, hopefully, not occur again because the bill mandates that planning authorities will have to consult with not just the properties immediately affected by the development, but a radius of properties that might be a few streets away. The bill provides a toolkit for planning authorities that outlines the process and the steps that need to occur so that an opportunity is provided for constituents to have a say. Locals who want to engage in that process can then have a positive effect on the outcome.

Our reforms ensure a consistent, statewide consultation process. This is important for all development applications. The reforms include the mandating of a radius model, which I just touched on, for major development applications and scheme amendments with clear requirements on the information provided to landowners and residents. New requirements exist for onsite signage displaying an image of the proposed built form. This is really a great idea so that people can visualise what the development will look like rather than it being an abstract idea. We all have different ideas of what things might eventually look like, so having that image on display will be fantastic. This applies to all developments over \$2 million. A community engagement toolkit will be developed for all planning authorities to provide consistent and contemporary best practice guidance on how and when to engage during the planning process. A real bugbear for so many of my constituents is that they find out about a development going ahead once it is well and truly down the line of that development process. For them to have the opportunity to have early input and have their say is really critical to this process. It is really welcomed, certainly by my constituency.

Another important change is the amendments that pertain to small and medium businesses and small residential projects. Small and medium businesses are the backbone of our economy and a major employer for many Western Australians. These proposed amendments will assist in stimulating our economy when it is needed the most. They will reduce red tape, streamline approvals and remove barriers surrounding unnecessary paperwork and approvals for simple and straightforward projects. One of the most important elements to this is the amendment that will axe planning approvals for small home renovations in a variety of circumstances. For instance, if a home owner wishes to erect a patio and it meets set, defined criteria, they will be able to apply directly for a building permit from their local council without requiring planning approval. This will make improvements easier for home owners and tradespeople. These reforms are very much long overdue and will allow households to get their projects underway more quickly and with less red tape and less expense. For far too long, household projects such as a backyard pergola have been delayed and denied unnecessarily because of this red tape. This major reform will make a significant difference for home owners right across the state and it will provide a real and substantial benefit to our community.

The transition to the next stage of Design WA will come as a welcome relief to many constituents in my electorate. Under the previous government an ad hoc change was made to the residential design codes in 2010. In Belmont, this has at times resulted in poor design outcomes and limited tree canopy. The council is genuinely trying to address this issue but we are still battling it. Belmont has some of the lowest tree canopy coverage of any metropolitan area. Some of the other design outcomes are poor amenity, a lack of access to natural sunlight and ventilation, and mostly, unfortunately, an overdevelopment right across the city of Belmont in the form of medium to high-rise density infill. The proliferation of this overdevelopment with specifically insufficient tree canopy across the community has generated significant community concern in my electorate. This matter is continually raised with me by many people from not only Ascot Waters, but also Redcliffe and Cloverdale. I will give another example of this. A proposed development in my community called the Golden Gateway has been on the cards for some time. The consultation and the development process has been rather opaque and, because of that, has created a lot of distrust. I do not know if that is misplaced distrust or not, but I will try to give credit to the council. It is trying to consult but the time frames have been unclear and how it has gone about communicating the consultation period and the final outcome has been insufficient. As a result, constituents have come to me deeply concerned because, yet again, the implication is that another high-rise development will be thrust upon them by their council. The community certainly feels that it has more than its fair share of high-rise developments. The City of Belmont has met its infill quotas so it has certainly done its bit there, but enough is enough. The community has really reached tipping point. It does not want more high-rises. The Golden Gateway has been boiling along over the years and, according to my constituents, the consultation has been quite inadequate. One of their biggest issues with the high-rise is the amenity and how

that will impact the community, and also the design that seems to be completely bereft of any kind of public open space, mature tree retention and parklands. The community desperately wants to see more of that. One of the biggest things out of this bill will be a legacy for the minister in making sure major projects have to consider the community and give back—how they can benefit the community. I know my constituents will be genuinely pleased to hear that.

The McGowan government has launched the biggest change for apartment design in WA by introducing Design WA. I congratulate the Minister for Planning for leading the way on this. It is an excellent reform. Design WA will significantly lift the design quality of apartments across all local governments. It sets out prescribed requirements for deep soil zones to encourage greater vegetation retention canopy and seeks to ensure better designed places for existing and new residences. I am absolutely relieved at the inclusion of these provisions in the bill, especially given that Belmont has one of the lowest tree canopy coverages in the metropolitan area.

[Member's time extended.]

Ms C.M. ROWE: One of the desired outcomes of these changes through Design WA is that designs enhance our communities and generate environments that benefit the community they are being developed in. It will also leave a positive legacy for future generations. This is such an important mandate included in the bill.

The bill also seeks to improve the design quality of medium-density developments and includes multi-unit, two and three-storey developments. Several improvements have also been made to the development assessment panel system to reduce the conflicts of interests of panel members and provide members of the community with greater access to meetings. I think these are very much welcome and are in line with community expectations around the DAP system.

I am really proud to be part of a government that is reshaping the future of residential design and producing better outcomes for Western Australia, particularly in my electorate of Belmont. I am proud of the government's measures on business rent relief and fast-tracking our infrastructure projects in the wake of the COVID-19 pandemic. I feel that this is yet another really positive step forward in helping our economy get back on track. We are doing all we can now, obviously, to get the economy back on track. This is one important part of a suite of bills we have already introduced to address this. Importantly, this bill addresses long overdue red tape and regulation issues. Before us today, we have a landmark bill that will create jobs and, hopefully, get our economy back on track and improve design right across WA. I would like to commend this bill to the house.

MR J.N. CAREY (Perth — Parliamentary Secretary) [11.32 am]: It is my pleasure to speak about this landmark bill, the Planning and Development Amendment Bill 2020. I do it in my burgundy pants that apparently garnered some attention from 6PR radio this morning. It is usually the member for Dawesville's clothing that gets media attention!

Several members interjected.

Mr J.N. CAREY: He did wear the Colonel's suit. Kentucky Fried Chicken always tastes good!

I am deeply proud to have worked with the minister who has driven this exciting agenda, as her parliamentary secretary on planning reform. I have a passion for planning. I know that some people would roll their eyes, but planning shapes the way our city is designed and the way people live. It makes and breaks whether a community is healthy and whether it is economic. It really is the key instrument of government to ensure that a community grows, and is vibrant and dynamic and supports small business. That is why I am passionate about it. It is also, hopefully, acknowledged that I come to this position with some insight as both a former mayor, for four years, and one of the few members in this chamber who has sat on a development assessment panel and made decisions on a regular basis. Many times, I have seen the difficulties that households and small business owners have had when dealing with local planning policies.

I want to tackle head-on some of the issues we have already seen publicly. I will do it in a respectful way to the opposition, stakeholders and so forth. We heard an argument yesterday that this is not a COVID-19 bill. We are in extraordinary times. We need to look at every which way to rethink. I think it was the Acting Speaker (Ms L. Mettam) who mentioned that in a post-COVID-19 world we do not need to use pre-post-COVID-19 thinking. I love that; it is a brilliant line! Nowhere is that more apparent than this area of planning reform. We need to think outside the box if we are to drive recovery.

Other than the mining industry, another key Western Australian industry is in development and construction, which employs 120 000 Western Australians. We need to help that economic recovery. I was concerned when I heard yesterday that there are too many empty houses and commercial complexes so we do not need this bill as an urgent response. I have to say this on the public record: that is not what industry is saying. I am not from the construction industry. I have not, like the member for Dawesville, worked in construction, but I believe the sector. A unison sector has said that we desperately need this.

I note that Linc Property co-founder Ben Lisle, who I believe is respected by all sides of politics, said that he believed the proposed new planning pathway for major projects would enable private investment as WA recovers from the COVID-19 pandemic.

I also note what Cath Hart from the Housing Industry Association of Western Australia said. Again, I would say that both sides of politics believe that this industry group is respectable and credible. She said that this bill is a very clever response to the situation we find ourselves in. The government has created ways to unlock projects that are in train and that consumers want to get done. It can enable that kind of growth as well. She thought this was really clever. When she was specifically asked on radio yesterday whether this will help with the recovery and create jobs, she said, “I really do. We hear stories of builders having more work stuck in council than they do onsite. They tear their hair out. You are not getting paid while it sits in council.” I think it is fair to say that no-one will say that the Master Builders Association is a traditional ally of the Labor Party or has a great relationship with the union movement, but it said that these changes will allow decision-making when necessary, making it easier for businesses to operate in tough conditions, while also creating the foundations for engaged communities and smart future growth. It also stated —

“Cutting red tape, streamlining the planning process and ensuring consistency ... for getting our state on the road to recovery and beyond.

We heard some arguments that this bill is not necessary, but the industry, in unison, has said that it will help recovery.

As the member for Perth, a capital city, I can say that in the last month during the COVID-19 pandemic, three applicants have come to me regarding tourism proposals on the Swan River. They want to get projects up, but understand this, members: they need to cut through a plethora of planning from agencies such as local government and environment, and sometimes Main Roads WA. We are hearing that this is not going to help recovery, yet still, while in the depths of the COVID-19 pandemic, applicants are pursuing projects because they look to the future. They understand that they have got to do the work now to try to get the projects up. Yes, we have COVID-19, and yes, it is tough times, but to say that this will not help with recovery does not reflect the situation. It also does not reflect the time that it takes to get approvals. Projects can take two to three years. Part of the problem is that there are local governments that clearly abuse the process. They use stop-the-clock measures. For those members who do not know, “stop the clock” is when a council asks for further information but stops it: “We’ve got to stop right here.” They can do that multiple times. Although there may be a prescribed time frame, it goes well beyond that.

As the minister has pointed out, we are trying to shorten the time frame and bring the projects forward so that they might happen the next year rather than in four years, because that will mean jobs and construction. I also note what other states are doing. This is a bold proposal, but it has safeguards. All states are taking approaches to accelerate and streamline approvals. Other states allow their planning ministers to call in any project they want and make a determination. We used to do that under Graham Kierath. A previous Labor government scrapped that to bring more accountability, transparency and independence to the planning process. We are not proposing a model that is similar to the that in the other states. The South Australian Liberal government allows the planning minister, during the COVID pandemic—this was changed by regulation, not legislation—to pull out any development it thinks is being slowed down. It can be determined—although not by the minister—without any reference to the local government. They are extraordinary powers. Other states have further empowered their planning ministers, but we have not. We are saying that the WAPC should make the decisions about major projects. Contrary to some of the slights that have been made, the WAPC takes its role seriously. It has provided strategic advice under Liberal and Labor governments. I am demonstrating that we are not taking a free-for-all approach; we are suggesting using the WAPC rather than the planning minister. I think that is proper and appropriate.

I will talk about consultation because I have never seen such an exhaustive consultation process for reform in our state. The Minister for Planning has gone out of her way to give presentations and meet and engage with people. I am singing the minister’s praises, but I say that sincerely. WAtoday—I am happy to table this—listed the time frame for this process. This process started in November 2017 and we engaged Evan Jones, an independent consultant, to run it. We encouraged debate; we did not hide from it. More than 5 000 individual responses were received, including hundreds from local governments. It was out in the public arena. We did face-to-face meetings and held workshops and presentations. We got sick and tired of talking about planning reform. Not many members in here got excited by it. My point is that the opposition cannot complain that this process has not been exhaustive or conducted in the public arena. The opposition cannot suggest that these proposals came from nowhere, because they have been discussed for a very long time. It has been a rigorous process.

Mr A. Krsticevic: Why is WALGA complaining, then?

Mr J.N. CAREY: WALGA has been included in the process for the whole time. More than a hundred local governments made submissions on planning reform. Members may know that I am not the biggest fan of WALGA, I am sorry. WALGA was not blindsided. Ministerial staff met with WALGA and departmental staff met with them back on 1 May. I liked the former Minister for Local Government Tony Simpson. As the Mayor of Vincent, I had

a great relationship with him. I backed the Liberal reforms for transparency and accountability—a Labor mayor backing a Liberal minister. I met with the minister and became a great mouthpiece for him whenever he needed a council to bash WALGA. Tony and the previous Liberal–National government said that we needed reform to provide for more transparency and accountability. Which body opposed it? It was WALGA. The reforms were voted down at its conference. It consistently said that it did not need this type of reform. I am not surprised by WALGA’s actions because, let us be frank, it is not a body of reform, new ideas or innovation. It consistently resists change. It did it under the previous Liberal government and it is doing it now. It does not want any of these changes. It does not want to abolish change of use for small business. It is still doing it now. A pet issue that opposition and Nationals MPs have raised with me personally is changing the regulations so that after 10 years, the position of CEO would have to go back to the market. I have heard Liberal MPs complain that CEOs stay too long in the position and take over an organisation. Renewal is needed and the market needs to be tested. That happens in the private sector all the time, but WALGA is opposing it. Who does it represent? Does it represent residents or constituencies or just its own interests? I will put the complaints of WALGA to one side because I am not surprised by them, frankly.

I will talk about design. People will be shocked, but I do occasionally agree with the members for Cottesloe and Bateman and even the member for Carine.

Ms R. Saffioti: Now you’re going too far!

Mr J.N. CAREY: I am going too far! My Labor colleagues will never talk to me again.

The key purpose of planning should be good design. That is what I think everyone in this chamber genuinely wants. I know that is what the members for Cottesloe and Bateman want, and that is what I want. I want to see good design in our city and in our communities. Let us be frank, absolute crap has been produced—I do not know whether I am allowed to say that word! That is what has caused community concern. The member for Belmont raised this issue. I drove to Carine with the member for Carine—we did not crash—and met with local residents to talk about issues. I have also met with and spoken to the residents of Joondalup. Design is the key trigger for people’s concerns, because we get poor buildings with poor outcomes. We have seen that everywhere.

One of the mistakes the previous government made—I am not saying this to trigger the opposition; I raise it sincerely—was the crucial decision in 2010 to set an infill target and up-zone R30 to R40. That meant that land suddenly had multidwellings or units on it. Missing from that picture were mandatory design standards. That is why we see no trees and no landscaping in some parts of Cottesloe, Carine and my electorate. We have seen hotboxes built and as many units crammed on a site as they can get. No-one benefits from that. Not all of them could be flogged to the market either, because no-one wants to buy a second bedroom that gets no natural light. An incredible example I will share is of a second bedroom that got light only from the doorway to the lounge room. That is one of the key issues.

Our reform package brings in a suite of policies that act, effectively, as R-codes. We established Design WA. We have not seen the impact of that yet because, as the member for Dawesville and others know, it takes two or three years for those developments to be built. The developments in Melville, Cottesloe and elsewhere that members referred to were not done under Design WA. We will not see the recommended changes to apartments for a few years, although some local governments have implemented them. As a former Mayor of Vincent, I am proud to say that we had really strict design guidelines, so developers had to do certain things if they wanted a bonus. We had the highest landscaping requirements in Western Australia. I note that Joondalup, which played some silly politics, had no design guidelines. It said that it would wait for the state to do it. Multi-unit developments popped up in Joondalup and the council allowed the developers, who had not provided enough car parking because they had crammed so much on the site, to dig up the trees on the verge to put car parking in its place.

[Member’s time extended.]

Mr J.N. CAREY: That cannot happen under Design WA.

We have done the top end, which involves those big developments, but now we are looking at group dwellings and double-storey units of 10 to 20 on a block. We will bring in mandatory benchmarks that will require basic standards for medium density. This is an incredibly good thing. It will address the particular issues that the member for Belmont raised. I want to be frank: developers do not necessarily like that. We heard yesterday an insinuation—I appreciate that it was in the heat of the debate—that it looked like this showed some sleazy deal with developers. Let us be very clear: although the developers like some parts of this passage, they do not like all parts, particularly design aspects. We will be setting very strong, clear benchmarks for apartments. It will be medium density for precincts, and I think everyone agrees with that. It is not just about looking at the individual buildings but at the whole suburb and the way it integrates. This is incredible reform; it will tackle design at its heart and its core. I suggest that the opposition really look at what we are proposing in that regard. This is good; the opposition should get behind it. I think it will deal in part also with some of the concerns about significant projects, because we want to see major well-designed projects that contribute to the overall vibrancy of any town centre.

I want to talk also about consultation. I think the Western Australian Local Government Association said that residents would not be consulted as part of this process or on major projects—wrong, wrong, wrong. In fact, this minister is seeking to strengthen community consultation across Western Australia. WALGA does not like it. WALGA does not like anything with consistency across the state. We know that, so I suspect it will oppose this. This will mandate the requirement across Western Australia for the same consultation practices. It will not matter whether someone lives in greenie Vincent, in Cottesloe or in the hills; they will be afforded the same respect with consultation. Some local governments will probably say that they consult—they go a bit over the top. Some completely under-consult, so we will be making it clear. This model is based on the City of Vincent model, which is the radius model. Yes; I am smiling, member for Carine. It is good. If members think about it, it makes sense. If the radius model is based on the height or the bulk of a development, the radius will be smaller or bigger according to the likely impact. A radius model does not try to overcomplicate things but as the minister pointed out, it does not go to just the neighbour next door or behind; it gets people in a precinct. I cannot see anyone wanting to oppose this change. Although I suspect developers may not like the radius model, they will at least know that in any part of Western Australia there is consistency. Developers understand that consistency can at least deliver them some type of certainty about a process. They might not want to consult or might not like the radius model—I do not think they do—but they understand at least that everywhere in Western Australia, there will be the same approach. That is good for decision-making, certainly in Western Australia.

I want to talk about small business in terms of the changes we are proposing in regulations. This is a package that I am explaining to members opposite and those elsewhere in the community. The minister has been very up-front. She has not said that the detail will be in regulations later. The minister has said, “Here are the legislative changes; there will be a phase 2 and this is what we are dealing with; here are two subsets of regulations and this is what we are planning to do in those regulations.” It is pretty extraordinary. The small business changes will be in regulations, but it will mean, as we have heard, change-of-use fees will be abolished. That means that if a cafe just down from the office of the member for Dawesville knows there is likely to be a higher demand for hairdressing and beauty because of the member for Dawesville, the owner can change from a cafe to a beauty therapist and cafe because the member for Dawesville and all his staff will create the extra demand and they will not need planning approval to do that. It is currently an absurdity. It is one of the biggest disgraces of local government that some local governments can force a small business—I have heard of cases in which it has taken a year to open a cafe—on a main street or in a town centre that wants to go from a retail shop to a cafe to go through a change-of-use application. That is outrageous. This sends people to the wall. I have seen business applicants not actually set up but walk away. When seeking a change of use, they have to engage a planning consultant, which can cost \$5 000 to \$10 000 or more. In the case of Wines of While, I understand it cost them \$30 000 to \$40 000. It is outrageous that we inflict such a cost. When we ask local governments why they charge those fees, they cannot tell us. They do it for the sake of it. They have not decided to change, so we are abolishing that for a number of different uses in a number of locations. However, it will not apply to residential areas for the obvious reason that if it is in the middle of residences, it can have implications but it will apply to small bars and taverns under a certain size because some small bars require a tavern licence. These regulations are being drawn up. I say again to opposition members that if they have ideas about the change of use—I am sure they all have examples—please let us know if there are missing areas that require cuts to red tape for small business. I am happy to meet with them and to meet small business owners to talk about that.

The second part is cash in lieu, which is the other thing that really gets to me. When a person in a built-up area such as Subiaco or even Vincent seeks to change use, which might be from a cafe to a small bar, they are required to provide more car parking but if they cannot, they have to pay the council money. In Yokine, a person with, I think, a retail shop, wanted to change her shop to that of a beauty therapist and was hit with a \$50 000 bill. That is a killer for small business straightaway. The greatest irony about this is that local governments do not even spend the money. Even as the Mayor of Vincent, I would ask whether we had spent it on parking or anything else for those businesses. No. It is outrageous. A person could be hit with \$10 000 in planning fees and then with \$50 000 as a small business: “It ain’t going to get off the ground. Forget about it.” Local governments in Western Australia still try to justify this. I want to praise local governments. I have done a bit of WALGA bashing today and I will continue that fine sport; it deserves it. Although WALGA is stuck in the past and not pro-reform in any regard, some councils out there are doing the right thing. The first I want to acknowledge is a Liberal mayor, the member for Stirling, who is doing an outstanding job and is trying to cut red tape.

An opposition member interjected.

Mr J.N. CAREY: I did not hear that. He is cutting red tape. I spoke to him before the reforms came out and he is trying to —

An opposition member interjected.

Mr J.N. CAREY: It is the Mayor of Stirling. He is trying to cut red tape for small business. I know the City of Fremantle gets a hard slog but the mayor there is trying to cut red tape for small business, as it the Town of Victoria

Park, the City of Bayswater and the City of Vincent. Under the commissioner, the City of Perth is bringing in reforms to abolish change-of-use fees. We can see all these reforms as a package and when we get into the detail, we can see that it is critical for the recovery of Western Australia. This is a COVID-19 response bill. It will drive economic activity, even down to the patios, which again some people mocked. By abolishing approvals for patios —

An opposition member: And garden sheds.

Mr J.N. CAREY: Yes, and garden sheds—I know the member wants to build a big one out the back. It applies to all those small things. Would members believe—I will end on this—that if they build a garden shed without approval in Western Australia and then get caught, they have to submit a retrospective application, but it is three times the fee. I do not know why. I know an old Italian lady whose shed fell down in a storm. She rebuilt her shed and the council, the City of Vincent, said that she had to take it down unless she got planning approval. She was distraught. My office is assisting her. That old Italian lady has to do a retrospective application and pay \$750.

Who can argue against these types of reform? This will clearly help tradies. Yes, people will still have to get a building permit—it still needs to be safe—but that is much easier to do. Taking three months to get approval for a deck or a pergola is extraordinary. Three months? These are the big issues—pergolas—that we have to deal with post-COVID-19, but it will cut red tape. Overall, I ask opposition members to please give serious consideration to this bill. We are prepared to work with them. They should look at the ideas for small business and change of use. However, we need that flexibility for major projects so that a recommendation can be made to the Western Australian Planning Commission. It may not be \$30 million, but if it is a great tourism project in Bunbury that will create jobs, it should be able to be accelerated. It could be a project on the Swan River for tourism. Tourism operators are already thinking ahead and we should accelerate those projects and get them into the system.

I again congratulate the minister. This is a bold package. It has been well discussed. There has been a lot of attention on planning reform. It has been discussed over the past three years and we should certainly get it through.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [12.02 pm]: I rise to also comment on the Planning and Development Amendment Bill 2020. My perspective comes as a representative of a community on the outskirts of Perth. It is interesting to have the perspective of the community that lives on the fringe of Perth on the way our city is developing. The previous speaker well knows the issues that pertain to the inner suburbs—the inner ring. It is estimated that over the next 20 to 30 years, Perth will have to make room, find a space, for 800 000 new homes. The question must be asked: where will they go? I can tell members where they all should not go, and that is on the edge of Perth. They should not take up space where we currently have native vegetation and bushland. For too long in Perth we have seen the city simply expand ever out and continue to expand, particularly north and south along the coast to have that development spread very thinly. We know that is expensive. We know it is destructive of the environment. We know it is wasteful and we know it is not sustainable. We need to have a balance. We need sensible planning, a sensible balance, and this is what I believe this bill delivers.

We are not saying that a new suburb should never be developed. What we are saying, though, is that the development pendulum needs to swing back the other way somewhat, towards older established suburbs that still have room to grow. These are real issues in the electorate I represent, in the still-developing suburbs of Baldivis and Wellard in particular, because we see the bulldozers and we see the loss of trees—the beautiful old gum trees that have been in existence for decades and decades. We see the loss of a cooling canopy and we see the loss of native habitat for local fauna. As the minister has already said, this government has unfairly copped the blame by some critics for many of the bad development decisions we see around us. The reality is that those developments are the result of a planning system we inherited from previous governments. Previous governments made bad decisions and the consequences are being realised today.

We know there are big lag times, sometimes many years, between when council approvals are granted and when the actual developments start. These decisions from the past by both local and state governments are causing real community concerns today. As I said earlier, that pressure is being felt particularly in the outer ring. Councils make decisions to approve developments, often years before, that are guided by a planning system that needs fixing. The McGowan government is in power now. This is our time to be responsible. We are taking action. The minister is fixing a planning system that desperately needs attention, and that is what this bill is about.

I want to talk about community consultation because it is particularly important in my community as we have seen development impinge on the natural environment and many people have been concerned. Governments need to listen to the views of people in my community and in all communities, not just those select residents who live in some suburbs. The people of Baldivis have as much right to have a say and determine how their community should look and develop as anyone else. The people of Baldivis deserve to have a strong say and an early say. They deserve to know what is going on, rather than wake up one day and see the bulldozers moving in.

This legislation is designed to do just that. It is about giving local residents much more of a say, and sooner, so that they can help determine how their suburb develops. Little things, too, are important. One of the points of this

legislation is that it would require a sign that has a photo or artwork of how a building will look when it is finished, rather than neighbours having to view the plans at council offices.

I come back to the initial question of how we accommodate 800 000 new homes in coming decades in this city. It is not simply about jamming in more homes on smaller blocks everywhere. It should not be a case of density for density's sake. Density needs to be done well. We have seen some shocking examples across Perth. Density is a good thing when it is done well. It comes down to good design and creating great spaces where people want to live and can live better. This is often overlooked, or deliberately ignored perhaps, by some who just want to maintain the status quo. They believe that suburbs that were designed and built a hundred years ago should be frozen museum pieces. In fact, the reality is that if they look at old photos of those suburbs, going back to the 1900s, they will find that those suburbs were not that terrific 100 years ago. I can give members an example. Recently, I spotted a picture of the intersection of Walcott and Beaufort Streets in Mt Lawley that was taken in 1903. The Acting Speaker (Ms M.M. Quirk) might have seen that same photo. I sent a copy to the member for Mount Lawley. If members stood on that corner today, they would think how much things had improved since 1903. Certainly it was less dense then, but there was also a lot of corrugated iron and an unsealed road. There were not the amenities and cafes we see now. The trees obviously were not as developed. It looked like a fairly rough and rugged environment compared with what we enjoy now at the busy and popular intersection. Change happens through the years. The suburbs that we love so much were never actually frozen or set in any one time; they have always evolved. The answer to bringing density to established suburbs is not about broadscale density or wholesale density, in which suburbs are treated with a one-size-fits-all approach. Places like Nollamara or Balga, where I grew up, have actually suffered the consequences of that.

A couple of years ago, I went back to my old home in Wardlow Way, Balga. It was a Housing Commission home, built in about 1970, and I wanted to see how it looked and maybe take the kids back to show them where dad grew up. To my horror, it was gone. It had been replaced by three units, probably three-bedroom units, on one block. The same thing was progressively happening up and down Wardlow Way. An issue I have become aware of there and in other communities is a situation in which a young couple move into one unit, in another there may be three young people sharing the rent, and in another there might be someone with teenage children. With three units on a very small block, one would be lucky to have two parking bays for each unit, and very quickly there could be up to 10 or a dozen cars belonging to people living in three units. Parking cannot be accommodated on site, so where do they park? They park out on the street. There are some cul-de-sacs in Waikiki in my electorate where, even with single-dwelling blocks, there is a build-up of cars crowding a small cul-de-sac. There are real issues in some suburbs, such as Nollamara and Balga, with trying to handle the number of vehicles in constricted spaces.

That kind of density obviously has negative impacts on the people who live in those urban environments, but good planning means density around activity hubs. Well-designed suburbs already tend towards this. Sometimes it happens naturally—density hubs near transport, commercial zones or zones for certain activities. What some people in some suburbs do not understand, or do not want to understand, is that established, older suburbs have plenty of scope for hubs that deliver greater vibrancy and excitement for the people who live there. They also offer opportunities for jobs, business creation and commercial and cultural activities. They contribute to the amenity of an area; they make a suburb a better and more enjoyable place to live in.

Some of our older suburbs have grown these hubs organically through the decades. As I mentioned before, there are various cafe strips in Mt Lawley and Maylands, for instance, to name just a couple. How much better are those suburbs in providing amenity for local people because of that intensity of development in certain areas? We need this type of development to occur in established suburbs across Perth so that pressure is taken off the outer suburbs of Perth, like Baldivis and Wellard. It is simply not fair to expect suburbs like Baldivis and Wellard, which are still developing, to find all the space for our new homes when we know there is still room to grow in our established suburbs.

Mention has been made of some of the silly red tape that many of our councils still apply. There are 134 local government councils across Western Australia and some, not all, still require planning approvals for very basic back garden structures, such as pergolas or sheds, as a previous speaker mentioned. Of course we still need building permits because structures need to be safe, but do we really need planning approvals for a patio, a carport or shade sails? This is helpful for local governments, I think, because it allows them to get on with more important things. Councils need not get bogged down in incredibly minor backyard developments. They need to think more strategically about what they need to do to make our suburbs better; as if a new pergola at the back of someone's house should be an issue! It is also important to reduce the administration burden on councils and therefore reduce the costs that our councils face.

I will conclude now, but I just want to mention the COVID-19 aspects of the Planning and Development Amendment Bill 2020 and how they are important.

The ACTING SPEAKER (Ms M.M. Quirk): Member for Carine! Just keep it down, please.

Mr R.R. WHITBY: The bill also deals with encouraging, enticing, promoting and hopefully delivering major projects of significance that can create economic activity and jobs during the COVID-19 recovery. I wanted today to concentrate on development and growth issues as they relate to my community, but COVID-19-related initiatives are also incredibly important for the electorate I represent because they provide job opportunities for the many tradies who live in the Baldy electorate and also workers and small businesses, who are doing it very tough. With that, I commend the legislation to the house.

MRS J.M.C. STOJKOVSKI (Kingsley) [12.16 pm]: I would like to start my contribution by congratulating the Minister for Planning. There are some great reforms in this bill that are long overdue and will be welcomed in my community. With regard to my community, I know there has already been some chatter on the local Facebook pages about the impact this will have on housing opportunity areas in the City of Joondalup, but I want to clarify that most of the developments we get in our housing opportunity areas will actually not qualify for these new approvals pathways because the developments must be over the \$30 million mark or have 100 dwellings. That certainly has been a topic of conversation over the last two days, so to be really clear: most of the developments we will see in our housing opportunity areas will not qualify for this pathway.

Speaking of housing opportunity areas, I want to take members back 10 years to 2010, when the City of Joondalup prepared its local housing strategy and sent it off to be approved. The City then received advice from the former Liberal government that the housing opportunity areas proposed needed to respond more strongly to the state planning documents and policies. That meant that the government wanted more density in the suburbs of the City of Joondalup. This is when the situation started to get complicated for us, because at its meeting in December 2012, the council adopted the recommendation to undertake increased density zoning in housing opportunity areas. It said that it would consult with landowners that had been newly included in housing opportunity areas. It increased the size of the housing opportunity areas and it increased the density, but it decided at this meeting that it would only contact directly the people who had been newly included in these housing opportunity areas.

They sent a letter to them, advising them of the changes, but for the changes that were made to existing housing opportunity areas, where some properties were re-coded up, they informed all other landowners and residents purely via an advertisement in the local newspaper and a notice on the FAQ page of the City's website. To me, that was plainly and blatantly a tick-the-box process, aimed at meeting the bare minimum requirements of consultation without any true engagement with the affected communities. It did not allow owners to provide feedback on the proposed changes if they had previously been included in housing opportunity areas, unless they constantly checked the City's website or happened to read the paper on the day the advertisement was in there. The problem for us in the City of Joondalup is that the newspaper has sometimes had patchy distribution over the years, and a lot of owners did not actually get the newspaper when the advert was in it, effectively saying: "You were previously R20; we propose you to be R40, and now we've changed it, you're going to be R60." They did not know that they had gone from R20 to R60. Also some owners did not know about it in the first place and were not given another opportunity to get involved. If someone sold their house during the time it took from the local housing strategy to be done to when the consultation was done to when it was changed, if there had been any change in ownership in the old part of the housing opportunity areas, the new owners would not be informed directly. They would buy in and would not know that the zones had changed.

After this so-called consultation on the local housing strategy, it was finally endorsed by the council in April 2013 and approved by the Western Australian Planning Commission in November 2013. It then came into effect in early 2016 and since then developments have occurred in the community. The community has rightly been raising concerns about not only the bulk and scale of these developments, but also their quality. The predominant housing type in my electorate is a four-by-two, single-storey house. Residents in the electorate were seeing, potentially next door in the R60 zone, a three-storey apartment block that overshadowed and overlooked their properties and was badly designed and of poor quality. This paved the way for wholesale damage to the look and feel of many of the suburbs in my electorate and, more broadly, in the City of Joondalup.

Residents had some really valid concerns about parking. The member for Perth spoke about parking, but these developments were not required to have onsite parking. It was just assumed that visitors would be able to park in the street or, when push came to shove, the residents would be able to pull up the verges, rip out the trees and put in embayment parking. That was very concerning for a lot of residents. The loss of trees and green space in the streets was very concerning. One suburb in my electorate is literally called Greenwood for a very good reason—there are lots of trees and a lot of green space in the suburb.

A member: A good tavern.

Mrs J.M.C. STOJKOVSKI: There is a very good tavern.

The reason that people bought into these suburbs was being destroyed. They were seeing the destruction of spaces where their children played. A long time ago when I was a kid, tyre swings would hang out of trees on the front

verges and all the kids in the street would play on them. Residents were seeing the destruction of their way of life. Quite clearly, they were upset and they came and discussed this with me. None of these elements was taken into account by the City of Joondalup and now it has to retrofit some guidelines. As the member for Perth rightly pointed out, the City kept saying, “We’ll wait until the state government gives us guidelines.” Even after guidelines have been brought in, it will take 18 months to two years for those proposals, under those guidelines, to be built.

The City of Joondalup did not want any guidelines. However, after much pressure from the member for Joondalup and me, we eventually got the minister to request that the City of Joondalup do some proper consultation with the community. In 2018, it went out and engaged a consultant and did some proper consultation. I know that some people in the community were not happy with that consultation, but the consultation was quite extensive and came up with these guidelines that the City is now trying to retrofit into a planning scheme that is already in action. We are already seeing properties being demolished and proposals being done.

The one thing that this raises for me—the clarity in this—is that clearly different local governments consult with the community in various ways. I am a strategic planner and I have been involved in consultations with the community. I very distinctly remember being six or seven months pregnant with my second child and standing for four hours at Wanneroo Central in the little space that we hired to do community consultation. We had written to every owner in our infill areas and said that we would be at Wanneroo Central at this time, on this day. We told them to come and talk to us and said that we would answer questions, show them maps and take down details so that if they had a specific question that we could not answer, we would get back to them. As members can imagine, being nearly seven months pregnant, it was quite a tiring four hours for me, but it was a really comprehensive way of engaging. That is one way of consulting, and putting an advert in a newspaper is another way, but they result in two totally different responses.

Under this new legislation, the community consultation toolkit for all planning authorities will be a key issue for my local community because it will provide guidance on how to engage with local communities. The fact that it will be across the board is a really good baseline for local governments. That is not to say that every local government should be doing everything exactly the same. They absolutely should respond to their local context, but it says that at a minimum we need to be doing these things or they need to be engaging in certain ways. I think that is a really great component of this legislation.

Signage requirements for proposed developments that cost over \$2 million will have to include an image. A lot of people cannot imagine what a three-storey building or a facade will look like from a description. Some people are visual people and need to be able to see it. I think that is a really great inclusion.

I turn now to the changes we are bringing in and the guidelines around medium density. I know that some great Design WA guidelines have been brought in for apartments, but the medium density guidelines will be very beneficial for my community, which has been appalled by the poor quality developments in the local community.

With regard to subdivision, I think that the changes to the development contribution funds is really positive. I purchased a new build in a new area in Landsdale many, many years ago. We bought a brand-new house, built by a developer, and were told that there would be a beautiful park down the road. They said “park”, but what they meant was public open space. For many, many years it ended up being a bit of scrub bushland. When we went back to the developer and asked when our park was going to be built, we were told that it was leaving it as a passive open space in which people could go bushwalking. That would have been great had there not been hectares of bushwalking land about half a kilometre away. I started that campaign just after my daughter was born. She is now 10 and a half years old, and I found out two weeks ago that that park has finally been completed. There are issues when developers do not do what they were supposed to do. The changes to the development contribution fund will be really good because it will mean that the funds will be used for the benefit of the local community—not the wider community; not, “I’m in Landsdale and it is being used in Yanchep because we are all in the City of Wanneroo”, but actually for the local community. That is a really good change.

Development assessment panels are very interesting. I have had a lot of complaints about DAPs over the years. The major complaint that I have dealt with many times is being addressed in this legislation, which is fantastic. That major complaint has been about conflicts of interest. A consultant could sit on a DAP one week to determine an application and the next week—or sometimes even on the same day—they are a consultant for a proponent of a proposal. That is a conflict of interest. That person might be very good at compartmentalising and looking at this development as an approver and that development as a consultant, but the perceived conflict of interest can cause a lot of problems for people in the community. There are some great changes in the bill around DAPs, and I think that they will be very much welcomed in the community.

The small business changes will make an amazing difference for small businesses. I want to talk about the change of use. I worked at the City of Wanneroo and sometimes worked on the phone as the appointed project planner for the day. If a person came to the counter and wanted to chat to someone, somebody would always be appointed to talk to them. Many times they wanted to ask the following: “If I want to buy or lease this property, and then I have

to apply for a change of use and you don't approve it, what happens?" The fact is that they are on the hook because if they buy the property and do not get the change of use approved, they have to figure out what business they will put into the property that complies with the current use, or they do not buy it. The reality is that they do not buy the property. This opportunity to change that use without the onerous application process is welcome. There is not a lot of difference in traffic or the way in which a property is used when its use is changed from a consulting room to a retail shop.

The cash-in-lieu requirements for car parking just kills small business. There is no way that they can comply with those requirements because they do not have that cash flow, especially if they are trying to move into a little shopping centre. If an established shopping centre has a set number of car parking bays, it is not going to be able to create extra bays, but the business is forced to pay money because it has not created extra car bays! It is nonsensical. This is a great change to the legislation.

The changes to small business planning approvals for minor home improvements, patios, sheds and shade sails will mean that people can crack on with renovations. Many small businesses in my electorate would love to get out there and start working with residents, but they are held up by planning approvals—it is ridiculous. When we bought our house in Woodvale nearly six years ago, we found that it had a patio that had not gained approval. We had to get retrospective approval for this patio even though we had not put it up and it was not our fault that it did not have approval—my husband is a builder and he wants everything in the right order. This change is great idea. It should be noted that this does not negate the need for building approvals. We still need to make sure that renovations are safe and sound; we cannot allow shoddy work. Standards will still apply but the ability to not have to go through a planning approval process is great.

I talk very quickly on this bill's COVID-19 economic response. We all acknowledge that over the last few weeks, many changes have been made around how to inject money into our economy. The government is trying to do everything possible to bolster our economy as we move into this recovery period. Cutting the red tape and streamlining the approvals process is essential to get private investment into our economy because it will create jobs. Requiring a commissioner to give due regard to other non-planning related matters such as community engagement and economic impact is important to allow these bigger projects to get going.

[Member's time extended.]

Mrs J.M.C. STOJKOVSKI: One of the great things that has happened in the last two to three months is the evolution of small business. Our local small businesses have been innovative and adaptive: the local cafe decided to do takeaway tea parties because it could not have people dine in; the local gym and yoga studio went online because they were not allowed to have people in their studios; and gin distillers have made the move to produce hand sanitiser. We have shown ourselves to be a robust and adaptive economy. Our businesses are inventive and creative. We are giving private investors the opportunity to engage with and utilise those small businesses to nurture the economy and Western Australian industries. Too many times we hear how it is cheaper or easier to obtain a product or procure a service from overseas. The COVID-19 recovery time is an opportunity for our larger businesses to engage and nurture our local industries. Let us use this time to ensure that more Western Australians benefit from these planning changes. If local subcontractors and manufacturers get work from those projects, it will mean that more money is put back into our economy. As we move into the COVID-19 recovery mode, it is important that we take every opportunity we can to bolster our local economy so that we can get back on our feet, so that more Western Australians can get back to work, and so that we can be what we know we are: the best state in Australia, in quite arguably the best country in the world.

I commend the minister for the Planning and Development Amendment Bill 2020. She has ticked a lot of boxes. A lot of people will be happy with it and it will provide a lot of benefit to the community. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.R. Michael**.