

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O'Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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**APPROVALS AND RELATED REFORMS (NO. 4) (PLANNING) BILL 2009**

*Second Reading*

Resumed from 18 November 2009.

**MR M. McGOWAN** (Rockingham) [4.11 pm]: I rise to speak on the planning and development reform legislation on behalf of the opposition and to indicate at the outset that the opposition will be supporting this legislation. There is the prospect that we may move some amendments, depending on what the minister has to say. Some amendments are already on the notice paper. However, some of the changes that were announced by the minister after, I assume, listening to the criticism of local government and listening to some of the concerns of the opposition and from other elements of the community will address some of the concerns we raised in our amendments to this legislation.

The bill attempts to deal with some of the planning problems in Western Australia and the slowness involved in dealing with some planning issues. As the minister correctly identified—it was something that I became aware of when I was environment minister—many of the issues often raised relate to the fact that a lot of the more easily developed land is already built upon. There are some significant environmental issues with the remaining land in Western Australia, including the loss of remnant bushland, acid sulphate soils and the potential for some developments to impact on our native fauna. I accept that there are potentially problems with a lot of planning issues in Western Australia because a lot of the more easily developed land is already developed. Because of the history of development in this state, more difficult situations arise. To put it in a historical context, most of the development in this state, certainly in the metropolitan area, has happened in the past 50 years. When we deal with more difficult planning issues and land that is more difficult to develop, it makes us wonder what the situation will be in 50, 100, 200 or 300 years. What will we potentially leave as a legacy as a result of our continual expansion and the footprint we will leave on the land we develop?

I have been a critic of the government over the number of blocks being made title-ready. As the figures show, that number has declined during this government's term in office. That is a verifiable fact. I also mix that criticism with the fact that we need to look at new ways of developing land to ensure that we leave a legacy that is not just an ever-expanding Los Angeles-style city. We need a city that takes account of the needs of people in 50, 100 or 200 years and beyond. There is a significant long-term issue in planning, considering that when I arrived in this state 20 years ago, the metropolitan footprint was much smaller than it is today. My own city was a third of the size that it is today. There has been some effort at higher density development, urban infill and the like, particularly in the more attractive areas of my electorate. Actually, it is all attractive but I am particularly talking about the areas closer to the coast—areas where people want to live. I supported that. The former government set up the Rockingham Kwinana Development Office, redeveloped the Rockingham beachfront and put plans in place to redevelop the Rockingham city centre. As a consequence, we have five or six high-rises on the beachfront. I recently stayed in one of the high-rise apartments because of water damage to the floors in our house; we had to move out. I loved it. It was good not to have to mow the lawn, fix the reticulation and pick up after the dog.

**Mr P. Papalia:** What did you do with the dog?

**Mr M. McGOWAN:** She went to stay with the in-laws; it was quite a good arrangement. It was an interesting experience. There are certain lifestyle choices available and we can plan in such a way that we give people those lifestyle choices. It is not for everyone. It would not suit me in the long term. With three young children, obviously it would not suit me in the long term. I am absolutely positive that that lifestyle choice might suit me in the very long term when I no longer have personal responsibility for my children who will no longer live with me. We have to have a planning system that caters for the choices people might want to make. Living in that sort of environment, in the morning I was able to have a coffee at a coffee shop downstairs. As the weather was warm, I could walk across the road and go for a swim at the beach with my children. A beautiful park full of playground equipment was over the road. It was actually very good. Providing for some higher density options and continuing to recognise that our major cities cannot continue to expand forever is a good thing. We need to recognise that we are responsible not only for this generation, but also for the generations that follow.

I come to this issue from the perspective that we have a long-term responsibility to ensure that we have liveable cities and communities around Western Australia that will suit the needs of people not just now, but in three, four or five generations and beyond. That means retaining areas of natural environment and national parks, and hopefully expanding them. That means retaining natural fauna and water quality. One of the biggest issues we face in the outer metropolitan area is the health of the waterways—that is, ensuring the health of the Swan River catchment in particular with the Swan and Canning Rivers, and also Peel. What is potentially awaiting us, or

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perhaps other people, in five or 10 years with Peel is diabolical. The amount of runoff that is going into that waterway, and the development around that waterway and the problems that will confront people who live around it, is diabolical. We saw it back in the 1980s when the Dawesville Cut was created. I think the cut alleviated the problems in that area for a period, but the problem is coming back as a result of intensive urbanisation and intensive cattle farming around that waterway. But it is getting worse. Part of the responsibility for what has happened there lies with the planning system, and there will be a significant issue for governments to deal with.

This legislation was designed to remove some of the bottlenecks in planning, particularly in relation to some of the activities of local government. Development assessment panels seem to have been the major issue that has concerned local governments around Western Australia. The opposition met with, and listened to the submissions and concerns of, local governments around the state, and, consequentially, although we support the idea of development assessment panels in principle, we introduced some amendments into the Parliament to try to deal with those concerns. We did not have the benefit of parliamentary counsel and our amendments were introduced on the basis of the best way to deal with this matter using the limited resources that we had to hand. We attempted to deal with the issue of the value of developments that would automatically go to a development assessment panel. As I recall, those values were originally proposed to be \$1 million in the country and \$2 million in the city. In its amendments, the opposition suggested that those values should be increased to around the \$4 million or \$5 million mark. Not only did the government take account of our concerns, but also it leapfrogged them to a considerable degree. As I read it, the mandatory threshold is now \$7 million for local government areas outside the City of Perth, and \$15 million inside the City of Perth. That means that the vast majority of development applications will now remain within the purview of local government, and only quite major ones will go outside of it and into the development assessment panel process.

**Mr C.J. Barnett:** In my electorate individual houses have now been built with construction costs above \$7 million, so you get that effect, too.

**Mr M. McGOWAN:** How does the Premier afford to live in his electorate? It is lucky he is the Premier!

**Mr C.J. Barnett:** Yes, \$7 million is a huge amount of money, but that sort of expenditure is starting to become more frequent.

**Mr M. McGOWAN:** Expenditure of \$7 million?

**Mr C.J. Barnett:** Yes; it is not unusual.

**Mr M. McGOWAN:** My goodness!

**Mr J.H.D. Day:** We did listen to the opposition.

**Mr M. McGOWAN:** Yes; I appreciate that. That is good.

We had meetings with the Western Australian Local Government Association and local governments around the South West region and so forth and they expressed their concerns. In principle, I did not disagree with the idea of development assessment panels as they have a degree of democracy in that they consist of local government councillors from the relevant local governments and others, and so they might stop those petty local political arguments that can often stymie a worthwhile project. Development assessment panels have been introduced in other Labor states so we could not exactly say that it was something we would disagree with on principle. Although there have been many examples, perhaps the number of local political issues is overblown sometimes. I am not sure how often these problems arise, but I think they are more likely to arise with some councils than others, such as those in the Premier's electorate or in Fremantle or in the electorate of the Minister for Housing, and maybe a couple around the South West region. I think it is far less likely that those issues will occur in electorates such as mine.

In any event, we agreed with the setting up of development assessment panels. We raised the issue of the threshold values and the government listened to us and upped the amounts that we suggested.

**Mr J.H.D. Day:** There will be the option for proponents to request that they consider projects between \$3 million and \$7 million.

**Mr M. McGOWAN:** Yes; that will probably be welcomed by the development industry, and I do not object to it. I understand that the government will make the changes by way of regulation; I am not sure whether that will require a change to the legislation, but the government has flagged what the amounts will be. Will that require an amendment to the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 or will it require a regulation?

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**Mr J.H.D. Day:** The amendment required will provide for an opt-in process if developers want to do that. We will not specify the monetary thresholds in the act, but we propose an amendment to allow that opt-in process when that is specified in the regulations.

**Mr M. McGOWAN:** During a briefing I received, there was some discussion about the fees required to access a DAP. I do not have them to hand, but they seem to be high fees. I was advised during the briefing that industry is fine with those levels of fees, but I will ask a few questions about that during consideration in detail. As I recall, the amounts being discussed were in the tens of thousands of dollars—\$15 000 perhaps—to access a DAP, which seems to be a very large amount of money. It was suggested that industry was happy with that, which surprised me. I will outline the fees to the house so that members are aware of what we are dealing with. For applications with a construction value of greater than \$7 million to go to a metropolitan DAP, the maximum fee is \$15 500; in the Kimberley it will be \$19 100. For applications with a construction value of \$3 million, the maximum fee will be \$9 000; in the Kimberley it will be \$12 000. I was advised that people are happy with those fees. DAP fees for projects with a value of more than \$15 million can be up to \$30 000 in the Kimberley and \$25 000 in the metropolitan area. In the South West region the fee is \$25 790. That seems to be a lot of money. I know the projects and the amounts of money involved are large, and they are not always homes being built by millionaires; they are sometimes businesses or construction projects by a group of investors. But it seems to me that \$29 434 to have a project approved by a local authority is a very, very large amount of money. During his second reading reply, the minister might explain how that amount of money can be justified for this process, because it is a large impost on the development industry. If industry is happy with it, the opposition will go along with it, but some developers may receive a \$30 000 bill and think, “What the hell’s this for?” It is an incredibly large amount of money.

**Mr J.H.D. Day:** I will explain that in my reply.

**Mr M. McGOWAN:** If a project is valued above those monetary thresholds, I do not think the proponents can opt out and take the matter back to local government. The project might be completely uncontroversial but, even then, the proponents cannot opt out back to local government to avoid that massive fee. Again, that is an issue that the government might want to consider, although I know that it will not want to make changes to these acts again. I would consider it to be a large and unfair impost if a business or citizen were charged \$30 000 to get local government approval for an uncontroversial project, because local government approval in such a situation should be quite easy.

I want to talk about some of the other provisions in the Approvals and Related Reforms (No.4) (Planning) Bill 2009, most of which have been agreed to by the opposition. I refer, for example, to the composition of the panels. There has always been concern about the composition of the panels. The changes the government is making are broadly acceptable to the opposition. The panel will not comprise a majority of local government representatives. Of the five members on the panel, two will be relevant local government representatives. That will probably provide the right balance. The panel will also comprise two experts and, as has been suggested by the government, a chair who will broadly be independent. I was advised that in other states former members of Parliament play that role. I suggested that that was not a good idea, although sometimes former members of Parliament can provide valuable input. Perhaps the use of former members of Parliament in that instance should be considered on a case-by-case basis rather than it being automatic. I think someone of that stature is automatically used in New South Wales. Perhaps former members of Parliament could be used, provided they have the right qualifications and provided they are not on the board of a company or are employed by a lobbyist. Appropriate former members from both sides of Parliament could be used.

I want to talk about housing in the context of this debate. We just debated housing during the matter of public interest. This bill is the way in which the government is trying to deal with the slowness of the approvals process. I do not think that the government will be able to fix the issue that I will raise with the changes that are being made by this bill. I refer to the total time it took to obtain building licences in Western Australia last year. The housing construction industry employs literally hundreds of thousands of Western Australians. Indeed, housing construction and construction generally are probably the second mainstay of the Western Australian economy after the mining industry, followed by agriculture, the financial sector and tourism. The total average time it took to obtain a building licence from the City of Rockingham last year—it has the best time frame in the state—was 2.9 weeks. If a person put in an application to build a house in Rockingham, it would have taken an average of 2.9 weeks to get approval of that application, which is the best in the state. The City of Rockingham’s system involves delegated approval to officers for the construction of a house. It has a very good planning department. I am not saying that just because Rockingham is my electorate; I am going by the figures I have, which reflect that it is the best in the state. It has a very good planning department with Bob Jeans and Peter Ricci. The Town of Mosman Park had the worst time for obtaining a building licence in Western Australia last

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year, with an average wait time of 35.6 weeks to get an approval. The second worst time was the Town of Vincent with 29.8 weeks. The third worst time was Cottesloe with 22 weeks. The fourth worst was Subiaco with 27 weeks, followed by Bayswater with 23 weeks; Stirling with 22 weeks; South Perth with 22 weeks; Nedlands with 21 weeks; Fremantle with 20 weeks; Belmont with 17 weeks; Claremont with 17 weeks; and so on down the list. The worst times for getting building licences are generally in the western suburbs of Perth and in the inner-city areas of Vincent and Fremantle, which one would expect. If we compare the time it takes to get a building licence in Rockingham, which is 2.9 weeks, with the time it takes to get a building licence in Mosman Park, which is 35 weeks, we can see that it takes 15 times longer to get a building licence in Mosman Park than it does to get a building licence in Rockingham. As I understand it, a delegation of elected Rockingham councillors is given to the building department. If a building licence meets certain criteria, it gains automatic approval from the building department and it does not have to go before the elected officials. In other councils a building licence application goes before the elected officers. What that does to the cost of building a home is quite amazing. The cost of building a house increases by thousands with that sort of time frame.

**Mr C.J. Barnett:** I do not think those figures are defensible, but in older, well-established areas you are likely to get more issues relating to established trees, neighbours and existing buildings. I don't excuse them—they are too long. What disturbs me is when you have similarly long delays in outer metropolitan growth areas where they are basically pre-planned suburbs or new subdivisions. That is inexcusable.

**Mr M. McGOWAN:** That is a good point. There are probably more issues in inner-suburban, leafy suburbs than there are in outer suburban areas. The only area I referred to that was an outer suburban area—if one can call it that—is Stirling, which had a wait time of 22 weeks as opposed to Mosman Park, which had a wait time of 35 weeks. Rockingham had a wait time of 2.9 weeks, Swan had a wait time of three weeks, Kwinana had a wait time of five weeks, Wanneroo had a wait time of 5.8 weeks and Armadale had a wait time of eight weeks. The wait time for a building licence approval is not as significant in those outer urban areas. This is an issue that must be dealt with. The development industry is pretty upset about this problem. I suspect people who want to build a house in those suburbs would also have a problem with it. I do not think it particularly makes a difference whether a council is large or small, as both seem to suffer the same problem. Councils need to look at their internal processes. I think what happens is that in some of the outer councils a delegation of elected members is given to the building department. The councils that do not do well do not have that delegation; they also require an applicant for a building licence to gain building approval and planning approval separately. An application has to go through one process and then through another process. The lack of a delegation in some councils and a system that involves two separate internal processes are causing this level of delay. I have figures here that I do not know how to interpret; however, they basically indicate that there are huge costs when there are delays. Obviously, building costs increase all the time, and if a person has to wait nearly a year for a building licence, the cost of building a house goes up further. I suppose the longer people have to wait, the greater the costs and the greater the frustration. I do not think the government's reforms as proposed in this bill will deal with that particular issue, but it is something that needs to be addressed because those figures are really quite devastating.

We talked about the cost of housing during today's matter of public interest. I want to outline exactly the figures for the cost of housing in the north west of the state, which I only touched on during the matter of public interest. I want to know what the government's reforms will do to bring down the cost of housing in the north west of the state. I refer to the figures for Port Hedland, which were released by the government. They reveal that the average cost of a house in Port Hedland in the third quarter of September 2008 was \$767 000. At the end of last year that cost had increased to \$887 000, which is a \$120 000 increase over the course of 15 months. In South Hedland in September 2008 it was \$479 000 and has gone up to \$612 000 in the course of 15 months. These are major increases in the cost of houses in both communities over that period. Rents have skyrocketed as well. The cost of rent for a four-bedroom home in Port Hedland in December 2009, so effectively the start of this year, was \$2 292 on average. In South Hedland, it was \$1 709 on average. That is a big increase. I remember full well the Minister for Regional Development and his antics about this matter. We saw his antics today, but the truth of the matter is that both rental and house purchasing costs have gone up massively in that 15-month period. In Karratha, it is exactly the same story. There has been virtually the same increase in the cost of purchasing a home—from \$798 000 in September 2008 to \$921 000 at the start of this year. In 15 months there has been a \$123 000 increase in the cost of purchasing a four-bedroom home in Karratha. The average price to rent a four-bedroom home at the end of last year was \$1 704. Again, that is a big increase. It is cheaper in Newman but it has had big increases as well. Therefore, I want to know what the Minister for Planning thinks about those costs. How much does the minister think is acceptable for those communities, particularly bearing in mind what he had to say about the issue 18 months ago when he was in opposition, because it has gotten a lot worse on his watch?

I have the "Royalties for Regions: Pilbara Cities Update" document with me. I realise the Minister for Planning is not the minister responsible, but this is a blatantly political document. I would not mind knowing what the cost

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of this document is as well. This document was approved by cabinet and has apparently been inserted in *The West Australian* in some communities. I do not know whether it is all over the state or where it is, but it is a blatantly political document. It has a photo of the Premier looking happy with a child next to him who looks very unhappy to be anywhere near him, by the look of it! She looks absolutely terrified.

**Mr C.J. Barnett:** She was very hesitant; she was part of the presenting of a painting and she was overcome by the cameras and things. She got upset. She is only about three or four.

**Mr M. McGOWAN:** From what I can tell, the Premier has his arm around her and I get the feeling that she is not too happy to be there; whether it is the cameras or the Premier, she does not seem too happy!

**Mr C.J. Barnett:** She was not happy.

**Mr M. McGOWAN:** So the government has used a child who is unhappy and who obviously did not want to be in the photograph on the front of its political document! When I go through the document, I see photo after photo of the Minister for Regional Development and for Lands. In one photo he is behind a microphone, and in another he is standing with the member for North West in a hospital, and he seems to be mentioned in many spots throughout this document. All I suggest to the house, and I will suggest it more widely, is that this is a blatantly political document and that the government should not have done it. I want to know how much this document has cost. The minister said, “It’s easy; look at the document we’ve released.” However, I pointed out to members that other documents that I have before me, which are government documents, show that the cost of housing in these communities has gone through the roof. It is easy to launch glossies at public expense, but the cost of housing in these communities is now very, very expensive for those people. I do not know what, if anything, the government’s reforms will do to improve the cost of that housing.

I recall that we have some amendments to the legislation on the notice paper for some other matters contained within the bill. As I understand it, the department has examined those amendments and there might even be further reforms that the government can put in place to deal with some of those matters. We will have a closer look at that as we go through the consideration in detail of the legislation to determine whether the government has met the concerns we have raised.

We have a broad concern about ministerial call-ins that the minister might want to address in his summary remarks. I do not know whether the government has changed the arrangement that was formerly in place. The minister will recall that ministerial call-ins—the ministerial appeals process—were a huge issue for a number of years during the 1990s and was abolished in maybe 2001 or 2002 by the former minister to remove any perception of favours being done for developers. Therefore, I do not know whether the minister’s call-in powers are being reinstated at all or whether it is just a reflection of the situation that the previous minister left for projects of state significance, if we like. The minister might want to answer that in his reply or he might want to answer that now. It was difficult to work out from my reading of the legislation whether there was any significant change.

**Mr J.H.D. Day:** One of my amendments to the bill is to remove that power, so that will not be a new provision in the act. There is currently a provision in the bill for applications that have been appealed to the State Administrative Tribunal to be able to be called in by the minister. If people are dissatisfied with a particular decision of the development assessment panel, at the moment they can appeal to SAT, in the same way as they would if they were dissatisfied with a decision of local government. There is the ability to call in projects from SAT and that will remain. There are two projects actually called in at the moment. They have nothing to do with this bill, but it is not a common event. It is justified in some cases and was certainly supported by the previous government when members opposite were in office because I think that was when the current act was put through Parliament. Hopefully that explains the situation. We intend to remove the additional provision that we were going to have.

**Mr M. McGOWAN:** Therefore, one of the changes the government will make is to remove any further, if we like, call-in power. I think that is a wise move. The government would not want any of the trouble about ministerial appeal processes that there was in the 1980s and 1990s. Although I think some developers would be happy for that call-in power to be reinstated, I do not think it is wise for any government to take that course of action, for obvious reasons. I am pleased that the government has listened to these concerns. I think the member for Armadale was quite forceful in raising those points in the briefings and I think the department might have listened to that. Therefore, I will wait for the minister’s reply to the second reading debate.

**DR J.M. WOOLLARD (Alfred Cove)** [4.48 pm]: I am not sure but I could be the only person in this house who does not support the Approvals and Related Reforms (No. 4) (Planning) Bill. I am very disappointed that I will not be able to support the bill and I hope that between now and when the final vote is taken, by negotiation

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with the minister, we can come up with an amendment that the minister is happy to accept that will give some power back to the local community.

The member for Rockingham basically supported this bill and talked about different problems and why we need this bill. What does this bill do? The member spoke about the development assessment panels, but DAPs are only one aspect of this bill. Another aspect is the fact that at the moment, whether people live in Rockingham, Applecross, Fremantle or Southern River—it does not matter where people live—there is a town planning scheme. Town planning schemes are in effect as a result of community consultation. Before any changes can be made to a local town planning scheme, the proposed changes go out to the community, and the community makes it very clear to its local member what it wants. The local member knows that if he does not support the community's opinions, when it is time to be re-elected, he will probably not be re-elected if he goes against the community's wishes, particularly when thousands of people have signed a petition saying that they do not want a particular development to go ahead. Something similar happened in my electorate many years ago when the community did not want the Raffles Hotel tower to be built as high as was proposed. The City of Melville wanted to provide some benefits to the community. Under the town planning scheme, the Raffles Hotel tower was to be nine storeys high, but the local council recommended that it be built 14 storeys high. The Western Australian Planning Commission overruled the local council. It was able to do that because the site came under heritage listing. As a result of the flexibility of the development of heritage buildings, the WAPC was able to overrule the local council and the thousands of people who lived in that area who did not want the high-rise to be developed, and we now have a 17-storey tower in Applecross.

The government can introduce a regional improvement scheme, such as the regional improvement scheme for Subiaco, if it wants to make changes to a particular area. I did not hear the member for Rockingham talk about the bill taking away all power from the local community. The WAPC completely ignored the objections of the people in my electorate to the Raffles Hotel development. Under this bill, the WAPC can go straight to the minister of the day. Members should remember that the political pendulum always swings back the other way. I hope that the government will not destroy my electorate. There is a proposal on the table for the Canning Bridge precinct that could destroy my electorate. This bill allows the WAPC to go to the minister of the day and ask for permission to develop a planning scheme for an area. The minister would check with his or her cabinet colleagues of the day, and the minister would go to the Governor and ask for approval. The WAPC would develop a plan and call for submissions from the local community and bodies such as the Environmental Protection Authority and the Swan River Trust. How effective is the call for submissions? This bill says that there will be consultation. There was consultation on the Raffles Hotel development too, but the WAPC ignored that community consultation and the thousands of people who objected to the development. What a joke the Swan River Trust is! One of its policies is to not allow any development within so many metres of the Swan River foreshore, but that was completely ignored. Alfred Cove is currently in the line of sight of the WAPC, but, as I pointed out last week, in five years it could have its sights on the electorate of the member for Cottesloe or the member for Nedlands. Once members have supported this bill, there is no way that objections from the local community will overturn a planning decision. One of the documents for a plan for my electorate has three different colour codes. One of the colour codes is for performance-based development.

Several members interjected.

**The ACTING SPEAKER (Mr J.M. Francis):** I remind the members for Mandurah and Rockingham that, as amusing as their interjections may be, if they are to interject, they should do it from their seats.

**Dr J.M. WOOLLARD:** My community was told that one of those colour codes on the brochure that was given to the community and that was performance based would include a 20-storey building. "Performance based" means that if three or four of the storeys are developed for the community, the height of the building can be higher; it can be 25 or 30 storeys. The WAPC told the community in my electorate that that was being done because the development was within one kilometre of a railway station. The development has now been extended to 1.2 kilometres, which is outside the initial boundary. Why is that important to this bill? It is important because it is taking power away from the community.

I am sorry that the Premier has just left the chamber. This government is saying that it does not want the federal government to get our goods and services tax because the state government wants to keep its power. I agree with that. How does that fit with planning? Why can local governments not be in control of planning? Why does the state government have to take responsibility for planning away from the local community?

The Labor Party is supporting this bill. What a joke! What does the state Australian Labor Party's platform say? It says that Labor places paramount importance on meaningful engagement with the community when it comes

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to planning and development. How can Labor use the catchphrase "local decisions by local leaders" when it supports a bill that silences the voice of local communities? What a joke!

**Mr J.R. Quigley:** It is a bit unfair picking on us.

**Dr J.M. WOOLLARD:** I am disappointed with not only members on that side of the house, but also members on this side of the house.

[Member's time extended.]

**Dr J.M. WOOLLARD:** The philosophy of the Liberal Party embraces individual freedoms, such as freedom of speech, freedom of choice and freedom of thought. The older members on this side will remember how I often used to tell members on this side that I was more liberal than most Liberal members. The federal Liberal Party's platform states that freedom can be meaningful only if individuals have the opportunity to participate. What about my community? What about members' communities that want to participate in planning decisions in their area? That is the federal platform of the Liberal Party. This bill removes the ability for individuals to participate in planning decisions.

**Mr J.R. Quigley:** Will you take an interjection?

**Dr J.M. WOOLLARD:** The member for Mindarie can have his time later.

Rather than allow local councillors who have been democratically voted in by the local community to make decisions, with this bill the government is saying, "We know best. Trust us; we are politicians. We can make the decision for you." In saying that, I am not attacking the member for Darling Range; I am saying that there will be unintended consequences from this bill. In five years' time, the government might want to build multiple high-rise developments for Homeswest or for other reasons in the member for Southern River's area.

Several members interjected.

**The ACTING SPEAKER (Mr J.M. Francis)** Order!

**Dr J.M. WOOLLARD:** What both major parties are seeking to do with this bill today does not match their philosophies.

Several members interjected.

**The ACTING SPEAKER:** Order!

**Dr J.M. WOOLLARD:** According to liberalism, freedoms and responsibilities are the foundation of strong community life. In that case, if the Liberal Party is introducing a bill that does not allow the community to be heard on planning decisions in its area, it is going against a central principle upon which it was founded. We have heard the member for Rockingham talk about the numbers on the development assessment panels. What a joke! He missed the whole point of the issue. He wants more members, but the development assessment panels have to enforce the local planning scheme. If this bill is passed, it will override local government planning decisions. A planning decision will go to the Western Australian Planning Commission, to the minister of the day, to cabinet and to the Governor. When it comes back, the WAPC will say, "We would like to develop a planning scheme for this area." A planning scheme will be developed under that planning scheme. The minister said that there will be consultation; it might write to the Environmental Protection Authority or the Swan River Trust. However, the planning scheme will not come back to this Parliament or to the community; it will be put into effect.

I note all the attention members opposite have paid to the DAP. The DAP must then abide by the planning scheme because that will override the local planning scheme, the metropolitan region scheme and the regional planning schemes.

**Mr G.M. Castrilli:** It will not.

**Dr J.M. WOOLLARD:** Yes, it will. Goodness me; the Minister for Local Government does not even know the legislation. Where is the Western Australian Local Government Association's voice on this bill? We have heard WALGA talk about the DAPs, but if it does not want to speak up on something like this legislation, maybe the minister was right to ask councils to merge. This bill will create mergers by default because some control is being taken away from local councils. I guess we will have to watch this space to see what is done next to take away individual rights from the community.

**Ms J.M. Freeman** interjected.

**The DEPUTY SPEAKER:** Order, member for Nollamara!

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O’Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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**Dr J.M. WOOLLARD:** In speaking to this bill, obviously one of the issues that is of great concern to my constituents is the “Draft Canning Bridge Precinct Vision”. Both the member for South Perth and I have attended community meetings about this. Community members were absolutely horrified when they were given a brochure that was supposedly developed in consultation with the community. It was put out as a result, I guess, of consultations with the WAPC, the City of South Perth and the City of Melville. If members opposite support this bill, they will be saying, “Forget about local people having a say.” The member for Gosnells claims he has an environmental background. What a joke! My goodness; he is supporting this bill.

Several members interjected.

**Dr J.M. WOOLLARD:** What about the environmental issues? When he comes into this house and says that he is not happy because the government is undertaking certain developments, I will make a point of standing up and reminding him that he gave the government the power to do it. He said, “Give all the power over to the WAPC.” He said that the community does not need to have a say in what development takes place in its own backyard.

**Mr D.A. Templeman** interjected.

**The DEPUTY SPEAKER:** Member for Mandurah, you have made your point.

**Dr J.M. WOOLLARD:** Thank you, Mr Deputy Speaker. The member for Rockingham mentioned earlier how long it took for planning applications to be approved by some councils. However, just because there is one bad apple, that does not mean we throw out the whole box full. If some councils are a bit slack in dealing with planning approvals, it is the Minister for Local Government’s job to make sure they do not take—I cannot remember what time the member for Rockingham said they take—maybe 30 weeks. But members should not do what they are doing here now.

**Mr J.R. Quigley:** We’re going to do it soon after you sit down.

**Dr J.M. WOOLLARD:** That does not surprise me at all. The member for Mindarie is supposed to represent the people, yet he is quiet on this bill. Goodness me! This bill will mean that the local person on the street will have —

**Mr D.A. Templeman** interjected.

**The DEPUTY SPEAKER:** Member for Mandurah, you have made your point.

**Dr J.M. WOOLLARD:** The “Draft Canning Bridge Precinct Vision” for my electorate is on the table now supposedly because the government is looking at transport-oriented development. In order to get to the train, people have to walk across Canning Bridge. I use the train; I have walked across the bridge. Members can imagine what it is like when the temperature is 35 degrees and one is carrying a computer and a case full of files. It is not comfortable.

Several members interjected.

**Dr J.M. WOOLLARD:** The government will use transport-oriented development to put on the table a planning scheme that will allow a building to be built to a maximum of 30 storeys in two of the suburbs in my electorate. The project team that has been working with the WAPC and the two councils has put out a map that has on it boxes of different colours. Those boxes represent developments that may be five storeys high or 10 storeys high. There are also some boxes that represent what are called “performance-based” developments. As I said before, we have been told that performance-based developments will start at 20 storeys; so they may be 25 storeys high or 30 storeys high. The WAPC is using transport-oriented development to put on the table a planning scheme that will allow this form of high-rise development. My area is 800 metres from the train station, on the other side of Canning Bridge. That is the reason my area has been targeted.

That is why I thought it was important to put this matter on the record in this house during the previous sitting week. I did that for the benefit of the member for Cottesloe and the member for Nedlands. I did that for the benefit of the people who live in Peppermint Grove, Mosman Park, Cottesloe, Nedlands and Claremont. The WAPC and my councils have come up with a document—which they say is the result of two years of consultation—that will allow developments that are 20 storeys high or 30 storeys high. The people who live in those suburbs need to know about this document, because the same thing may happen to them if they live within 1 000 metres of a train station. That means that all the people in those suburbs who live alongside the railway line may have high-rise developments in their suburb.

**Ms J.M. Freeman** interjected.

**The DEPUTY SPEAKER:** Order, member for Nollamara!

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O'Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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**Dr J.M. WOOLLARD:** I appreciate that there has been, and there will continue to be, a large increase in the population of Perth. However, new areas are opening up in Perth. There could be some high-rise developments in those areas. However, those high-rise developments should not be grouped together. I do not know how many members have lived near high-rise developments. I have lived near high-rise developments.

**Mr F.M. Logan** interjected.

**Dr J.M. WOOLLARD:** I do not know what they called the member's high-rise development. When I was young and I lived near high-rise developments, they called the area where the high-rise developments were "the farm". There were drugs and there was violence the whole time in that area with all these high-rise developments grouped together. That is one element of grouped high-rise developments.

Several members interjected.

**Dr J.M. WOOLLARD:** Members may laugh. They should look at the map that has been put on the table by the WAPC for my area. The WAPC has identified a whole block in my area for high-rise developments of 20 storeys and 30 storeys. I thank the minister again for giving me some time today to put to him my concerns and the concerns of my constituents. I want to ask the minister how we can come up with an amendment that will protect some of my beautiful green suburbs. These are areas in which people have lived for a long time. People have saved up for a long time to be able to live out their retirement years in these nice quiet areas. One of the biggest problems that my constituents have with this plan is that no traffic study has been done. This development will be in the Canning Bridge precinct. Traffic already gets banked up from Canning Bridge all the way south to North Lake Road.

Several members interjected.

**The DEPUTY SPEAKER:** Order!

**Dr J.M. WOOLLARD:** In this "Draft Canning Bridge Precinct Vision" that the WAPC—which is the minister's department—has put on the table, there is no traffic study. When the metropolitan region scheme amendment was put on the table last year, the minister met with me, and we looked at that scheme and at how we could ensure that there would be adequate room at some future date to put in a tunnel from Sleat Road and across to the freeway and to South Perth. In the next 25 years, half of Canning Bridge will need to be replaced anyway, so it makes sense to put in a tunnel. This vision that has been put to my community from the WAPC—the people whom members opposite are supporting; the people who are taking away from local residents the right to control planning—has not taken into account traffic flows. The WAPC has not told us how it is going to deal with the traffic problems on Canning Bridge. The WAPC has not said that a tunnel will be built to link into the freeway north and the freeway south to alleviate the congestion on Canning Bridge. It is not just people in my suburbs who use Canning Bridge; it is people from the member for Fremantle's area who are going to the airport, and it is people from the member for Rockingham's area who are driving into the city. Yes, more and more people are starting to use public transport. But at the moment we do not have enough public transport.

**Mr F.M. Logan** interjected.

**The DEPUTY SPEAKER:** Order, member for Cockburn!

**Dr J.M. WOOLLARD:** I said light rail. If members opposite had supported light rail, we probably would have had light rail now along Canning Highway and along Leach Highway and we would not be having the problems that we are having now.

**Mr F.M. Logan** interjected.

**The DEPUTY SPEAKER:** Order, member for Cockburn!

**Dr J.M. WOOLLARD:** The member for Cockburn should disappear! He should get back in his box!

The problems in relation to traffic are not being dealt with in this bill. This bill as it stands at the moment will take away the right of —

Several members interjected.

**Dr J.M. WOOLLARD:** Mr Deputy Speaker, I will ask for an extension, if that is what members opposite would like!

Several members interjected.

**The DEPUTY SPEAKER:** Order! The member has already had an extension.

**Dr J.M. WOOLLARD:** I am quite happy to take another 10 minutes!

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**The DEPUTY SPEAKER:** Order! The member has already had an extension.

**Dr J.M. WOOLLARD:** This bill as it stands at the moment is a joke. This bill is a joke when we think of where the Labor Party is meant to come from in terms of involving the community. This bill also—I am sorry to say, members on this side—makes a joke of the Liberal philosophy, because that philosophy talks about supporting people's freedoms and rights. It talks about supporting the average person. This bill will take away the rights of the average person. This bill will leave it all to the WAPC. The unintended consequences of this bill are that it may—perhaps not during our time as members, but at a future time—come back and destroy the Perth that so many of us love as it is now.

**MR C.J. TALLENTIRE (Gosnells)** [5.18 pm]: I rise to offer some qualified support for the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. I note that the member for Alfred Cove's speech was a defence of the McMansion area of her electorate.

**Dr J.M. Woollard:** It was a defence of the average person!

Several members interjected.

**The DEPUTY SPEAKER:** Order! Member for Alfred Cove, will you settle down, please. The member for Gosnells.

**Mr C.J. TALLENTIRE:** I was saying that when we look at planning issues, we have to consider sustainable living and the overall benefit for the state. To defend sprawling suburbs with huge houses that occupy most of the block and are occupied by only one or two people is an indefensible position to be taking. I may have misunderstood the member for Alfred Cove's position but that is what was coming across. The proposal for development assessment panels indicates that we have a problem with the capability of some people in the local government process.

**Mr D.A. Templeman:** She's gone home now. I knew she'd do that!

**Mr C.J. TALLENTIRE:** I am sure that the member for Alfred Cove will be watching on the monitors.

The situation that has given rise to this need for DAPs indicates that the present process has not served us as well as we would have liked. It indicates that local government officers, more particularly local government councillors, have perhaps struggled to deal with giving development approval to major developments in their local government areas. That raises a number of issues. Why do we not have the necessary expertise, confidence, capability and efficiencies in place for local government councillors to be able to do this job? That is something that the Minister for Local Government needs to address. The need for greater professionalism in local government arises when we go through this legislation. In saying all that, I do not doubt for one minute the sincerity and goodwill that most local government councillors bring to their task. They give as much as they can to their role. We have seen cases in which people are working very closely with developers and we question motives at times, but, overwhelmingly, most local government councillors have a passion for their communities and they want to deliver the best outcome for their communities.

We want to see a streamlining and an improvement of the planning approvals process. That is what this bill is designed to deliver. In many areas it will perhaps help with the timeliness of that delivery because people with professional expertise will be on those assessment panels. We will not be solely reliant on the input of the few members who are on those panels through the democratic process; we will get the benefit of some expertise from people who are specialists in particular areas. The regulations relating to the forming of the DAPs will outline the sorts of people and the special expertise that are needed to be on a DAP. We are looking at people who will have planning, architectural or environmental expertise. There is some hope that the DAPs will strengthen our present process. That does not remove our concern that we do not feel we have that expertise coming through the ranks of the different councils through the democratic process that enables people to become elected councillors.

**Ms J.M. Freeman:** They are first-past-the-post councillors.

**Mr C.J. TALLENTIRE:** As the member says, we have the problem of the election of local government councils. People are elected through a first-past-the-post system rather than through the truly Australian, far more rigorous and democratic preferential system.

This bill deals with the processes that lead to the DAPs. It also deals with a number of other issues. If the member for Alfred Cove was in the chamber, she would be interested to hear about this. The bill also relates to state planning policies. State planning policies are a very powerful tool in our planning process. They are developed through wide consultation that goes well beyond geographic areas. I hope that the member for Alfred Cove is taking note of the fact that the consultation that gives rise to a state planning policy is open to everyone

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in the community, not just those people who happen to live close to a particular point or have a particular vested interest. A good, rigorous process leads to the development of state planning policies. This bill is particularly useful because it gives rise to the state planning policies not just being considered by local governments. I think the previous terminology under the Planning and Development Act 2005 was that state planning policies must be given “due regard”. When a local government is making its decisions, it must give due regard to a state planning policy. We can envisage certain situations. We have a state planning policy for coastal setback. It requires that dwellings should not be built within 100 metres of the high-water mark. That sounds like a good, sensible initiative. There are a host of reasons for that. It is questionable whether a 100-metre setback from a high-water mark is adequate. The principles are there. We developed a state planning policy. It was put out for wide consultation. I recall contributing to that state planning policy. I think it was in the making for several years. Eventually, it was adopted and now it is something that local governments only have to have due regard for.

Within this legislation we see an elevation of the status of state planning policies. If I have understood things correctly—I hope the Minister for Planning can confirm this when he responds—the minister can direct a local government authority to respect a state planning policy. That could make a huge difference to the way we use those state planning policies. They are potentially powerful, useful documents. Communities have had great input into them, so they are very useful. It is not good enough that up until now local governments have had the opportunity to ignore them and just dismiss them, saying that they have had due regard for the state planning policy but on this particular occasion they are going to ignore it.

**Mr J.H.D. Day:** Certainly the intention of one of the provisions of this bill is to require local government planning schemes to be amended to accord with state planning policies, as you were asking.

**Mr C.J. TALLENTIRE:** I thank the minister.

I will move on to other areas. I have concerns—again, perhaps the minister can clarify this—that if a decision of a DAP is at variance with a planning scheme, perhaps this could be a way of circumventing an Environmental Protection Authority assessment process. Presently, when a town planning scheme is developed, if there is a likelihood of a significant environmental impact, that town planning scheme would be sent to the EPA for assessment. If the DAPs can override the provisions of a planning scheme, I am concerned that that might give rise to the circumvention of that assessment process. I seek the minister’s clarification on that matter.

We have to look at some of the other aspects of concern with the planning process in Western Australia at the moment. Inner city land is often sitting idle and is undeveloped. In my electorate in the City of Gosnells, very close to the Gosnells train station, there are some derelict buildings that are rundown, unoccupied and not being used at all. Part of the area is used for car parking, but the overwhelming impression is of boarded-up buildings and smashed glass. It is a wasted opportunity. Why do we have this situation? The landholder, Mr John Farano, does not want to develop the land. He does not have the entrepreneurial skill and the vision to develop the land. This land, which is only 16 kilometres from the centre of Perth, presents a beautiful opportunity for development. The land is immediately across from a brand-new, magnificent train station at the heart of Gosnells town centre and it should be prime real estate. Money has been poured into other areas and we have a wonderful civic hall facility—namely, Agonis—and the pioneer park. They are wonderful, first-rate community facilities, but the whole area is being held back because one developer does not want to play the game. He does not want to engage some entrepreneurial flair to develop the land to its optimum capacity. In some ways I believe that this legislation is a missed opportunity in that the capacity is there for it to have a provision for the compulsory acquisition of land in situations in which landholders sit on land for some speculative reason or perhaps because of a lack of entrepreneurial business skill. They should not be allowed to do that; it is disgraceful. We have such pressures on our city to develop, and to develop in the right way, that we cannot afford to have people just sitting back doing nothing. That is where this legislation could have made a big difference. It could have had a compulsory acquisition provision that would have enabled situations such as that one to be resolved. There may still be capacity for the Minister for Planning to incorporate that into the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, and I put to the Minister for Planning that he could perhaps direct the City of Gosnells to compulsorily acquire that land. Current provisions in the Planning and Development Act may allow for that, but I think the minister needs to give that firm direction to the City of Gosnells, which would then feel that it has the support of the state government to proceed with the compulsory acquisition of that land.

The problems that accompany the failure to develop this land are manifold. The reputation of Gosnells is being held back by this degraded land and the antisocial behaviour that goes on in proximity to it is very much letting the area down. I undertook a community survey of constituents living within a two-kilometre radius of this site, and overwhelmingly they said that this land must be developed. Of those surveyed, 87 per cent responded by saying, “Please, yes, we must do something about this land.” We must develop it. Holding it in this stagnant form is degrading the whole area and poses a problem for our community. It is an issue that really needs some

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fairly dramatic attention, and while this legislation is before the house, amendments should be made so that it is picked up and the situation can be resolved.

I will talk about other broader planning issues. I am frequently concerned by the manner in which Perth is sprawling. On Saturday I rode, in the rain, through the northern suburbs and the member for Ocean Reef’s electorate.

**Mr J.R. Quigley:** That’s not the north; that’s mid-coast!

**Mr C.J. TALLENTIRE:** I rode to Yanchep Lagoon and enjoyed a coffee there, where I was able to dry out from the rain. Riding through the northern suburbs caused me to think about where we are going with our suburbs and two things occurred to me. The first was the degree of soullessness about some of the property that I passed by on Marmion Avenue going through Ocean Reef.

**Mr A.P. Jacob:** The degree of what?

**Mr C.J. TALLENTIRE:** Soullessness.

The second was that I was struck by the number of churches in the member for Ocean Reef’s electorate. Those big sort of new, more happy clapper-type churches are obviously popular there and I suspect it is because people are desperate for some form of community. The soullessness of the urban form they are living in means they have to turn to something to find community, so naturally they are turning to their church. It is an interesting development that soulless suburbs are resulting in people turning to some of the more evangelical churches.

I have heard some debate about the delays in getting approvals through the system. I know that the development industry hates anything that looks or sounds like a delay. It is very quick to point out that it is costing them money and may cause an increase in prices to home buyers. We have to be wary when people tell us about the need to rush and get developments through quickly; the community consultation process has to be recognised and properly managed. Although I disagreed with much of what the member for Alfred Cove said, when she said that we must have community consultation but it must not be sham consultation—it has to be genuine consultation and it has to be listened to—she hit on something. Community consultation gives rise to better quality developments. We should never, ever imagine that leaving decision making in the hands of a few appointed experts will achieve the best possible outcome. Tapping into the broader community wisdom can happen only through a thorough community consultation process that really gets into all the details. That is particularly true when we talk about how we want to see our urban form proceed, how we want our urban areas developed, and how, especially, we want to focus on brownfield sites. In passing, I must say that I remain flabbergasted that the “Directions 2031” document refers to brownfield sites or infill housing accounting for only 30 to 35 per cent of development between now and 2031.

[Member’s time extended.]

**Mr C.J. TALLENTIRE:** According to this document, by 2031, 30 to 35 per cent of residential development will be achieved in infill residential development. That is simply not good enough and it means that all those wonderful opportunities for good quality infill housing will be missed. That means that we are looking at something like 65 to 70 per cent of urban development being urban sprawl. If the Barnett government wants to deliver that for Western Australia, it is delivering urban sprawl on a massive scale, given the extent of growth in the city and the cost impositions commensurate with that amount of urban sprawl.

The environmental cost of the constant bowling over of bush at the city’s periphery is evident and the social costs are absolutely enormous. People will be spending more and more time commuting from the outer suburbs to their place of work, which is totally unacceptable. The economic cost is frightening for people. We have been going through a period of relative calm for fuel prices, but I do not think it will continue for very much longer. As countries emerge from the global financial crisis, there is an inevitability about rising petrol prices. Petrol prices will go up dramatically and will cost people dearly if they live a long way from the city centre. Transport costs are frightening. Those are the reasons we must have urban planning that listens to what the community really wants, and we must make sure that we have the necessary expertise in that planning and decision-making process.

I do not think that the present system is delivering, so I am happy to support the proposals in this legislation that will give us a new opportunity to ensure that major developments are considered properly, especially those located in our brownfield areas that would otherwise be described as urban renewal. That is where the emphasis needs to be.

I mentioned the benefits derived from community consultation. It is very striking that with good community consultation people overwhelmingly call for good subdivision layout. This can apply in the greenfield sites as

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well as the brownfield, where we must make sure that approvals are properly laid out, the subdivision layout is correct, and there is optimum orientation to the north to capture the warming winter sun and to shut out the hot summer sun. It must be ensured that as many blocks as possible are correctly orientated for passive solar benefits. Good solar orientation is absolutely essential, otherwise we are simply passing on to people a very unfortunate legacy of having an expensive home to run—a home that requires massive amounts of air conditioning and is an extraordinary cost burden on people. That is simply not fair, especially when one couples that with the transport costs that people will face. This legislation will provide an opportunity to ensure that there is expertise in the composition of the panels. There is some concern that the composition of the panels may become politicised. However, the quality of the criteria will help decide who is on the panels; that will be the safeguard in the system. I expect that people with expertise in urban design will be on the panels, and such people will be able to check whether a development provides the water and energy efficiencies that should be an essential hallmark of all future property development. As I said, if we do not do that, we will face enormous costs. Decisions made by experts will probably result in less contestation than has been the case to date. Some councillors have probably wanted to make the right kind of decision and have said that a subdivision should be designed in such and such a way; however, they have probably been subjected to a lot of pressure from developers who have not wanted to take their advice. We may well remove that situation from the development process if those involved are properly qualified experts. Better quality experts will be involved in the decision-making process, and they will be able to make decisions that are robust and ready. When I look at this legislation, I am forced to ask one question: will the amendments lead to better quality and more affordable homes, homes that will be available to people despite the growth pressures; and, will they provide homes that will take into account the various lifestyle choices, recognising that for some people there is a phase in their life when the suburban block, townhouse or unit is ideal for them? It will depend on the stage in a person's lifecycle and their particular choice as to what best suits them. That is the essential framework that we need when we look at this legislation to see whether it will deliver those elements. It will improve things, but we need to know whether it will also facilitate what I mentioned earlier about the need for the compulsory acquisition of land in situations in which developers are failing to act or property owners are failing to develop land that should be developed for broader community benefit as well as for their own personal enrichment. We need to ensure that this process offers as much community consultation as possible. That is where the state planning policies issue is particularly important. These policies are very powerful instruments for making sure that there is community engagement in their formulation; and, once they are properly in place, we can ensure that they are fully respected. I support the legislation. I look forward to hearing the minister respond to some of the queries I have raised.

**MS A.S. CARLES (Fremantle)** [5.45 pm]: I rise to put on the record that I cannot support the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 based on the consultation that the Greens (WA) have undertaken. It is very clear that local governments do not support this legislation. I will go into the detail of that in a moment.

The development assessment panels system will undermine our democratic process of locally elected governments. Even with the increase in limits to apply, my electorate of Fremantle will be dramatically affected. I put on record that the City of Fremantle certainly does not support the changes—nor do many other local councils—and I am here to put its position.

Ostensibly, the DAPs are being introduced to enable more effective and efficient decision making and development applications at local, regional and state levels. However, many local councils and environmental groups have pointed out that the delays occurring in the process are due to developers and proponents submitting inadequate or insufficient information at the time of seeking approval.

We already have a developer-driven process in this state whereby community members struggle to be heard when they are dealing with large-scale developments. We are the only state in Australia without a third party right of appeal. I am bit concerned that when I raised this issue with the minister on 17 September 2009 by way of question without notice, he answered by saying —

Anybody who is dissatisfied with the decision of a local government authority has the ability to appeal to the State Administrative Tribunal.

That is incorrect. Local community groups do not have the right to appeal to the State Administrative Tribunal—nor do local councils. We have a developer-only appeals process in this state. I am very concerned that what the government is doing now will increase that developer power in our planning decision making. I know first-hand about the issue of third party appeal rights because I took legal proceedings on behalf of my communities in South Fremantle and Hamilton Hill to establish a third party right of appeal. My husband and I took the matter to the Supreme Court. We won our case, which was unprecedented in this state. Our case established the fact

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community groups do not have a right of appeal unless they have the money to go to the Supreme Court, which many do not have.

I want to make the distinction that I am not talking about trying to retain a quarter acre block. I am way beyond that. I understand the need for high-density developments. We have to reduce urban sprawl. I am very concerned about development that has environmental impacts and that compromises our environment and that comprises amenities for local people.

I refer to some recent cases in point from my electorate. The first is the South Beach village development. The community wanted a 100-metre setback from the ocean, but they did not get it. The member for Gosnells talked about the state planning policies protecting us. However, if the WA Planning Commission chooses to not apply them, there is no right of appeal.

**Mr C.J. Tallentire:** That's my point. The minister will be able to direct them to respect that planning policy.

**Ms A.S. CARLES:** Only if that is what the minister wants. If he chooses not to, there is no right of appeal for community groups.

I refer to the Port Coogee Marina, which was approved by the Labor Party when it was in government. It is an absolutely disgraceful development. We lost a beautiful beach; it is gone forever. We lost our coastal cycle path. The developer got the seabed for free and the community had absolutely no say about that. More than 6 000 people signed a petition. There was a massive protest. The WA Planning Commission simply ignored them.

**Mr F.M. Logan:** It was a small protest.

**Ms A.S. CARLES:** No, it was not. It was a corrupt process, if the member recalls. The member should be ashamed, because it happened in his electorate. I did not see him standing up for that community.

**Mr F.M. Logan** interjected.

**Ms A.S. CARLES:** It was a corrupt process; it is on the record. I will not go into that now.

The ING development is another controversial development in Fremantle. It involves a harbour town-style development for Victoria Quay. The Fremantle Society wants acknowledgment—I notice that the federal member for Fremantle was photographed supporting this, too—of the heritage and migration history in that space. The ING developer appealed to SAT to increase its parking. The Fremantle Society was denied a right to make a submission in that process. My recollection is that the City of Fremantle was denied the right to intervene in the State Administrative Tribunal hearing.

Another example from my electorate is the Fremantle east end development. A green council has been elected and it wants to create a truly sustainable development. This desired outcome may well be watered down if its input into this decision is removed and it goes to a DAP. We know what happens if an unelected body is involved; it is the same old story: sustainability promises are put to the community to get community support, but they suddenly evaporate in the last hour because it is all too expensive. Another example in my area is the Cockburn coast district structure plan, which is on its way. Once again, we have the issues of coastal setback and public transport, which the member for Alfred Cove raised, and congestion is a big issue in Fremantle. I was briefed by Ross Holt of LandCorp about this development and he conceded that a light rail line has been pencilled in. I asked whether the light rail would be included and he said it probably would not be for 20 years. I think he plucked that out of the air because how does he know what the budget will look like in 20 years? My point is that at the planning stage it is not a priority for the government to put light rail in to protect communities from that congestion and all the environmental impacts that will come. Meanwhile, about 10 000 more vehicles will be dumped onto Hampton Road and Douro Road, clogging up Fremantle streets again. I am very concerned that with a new panel in place, local councils and local communities will have absolutely no say over this development that will impact on our living standards. The Cockburn coast district structure plan also includes development of the South Fremantle tip site, which is highly controversial. I suggest that if the government proceeds with that development, it will create huge problems in our community. Members might recall the North Port Quay development touted a year ago—the Dubai-style development off Rous Head where 20 000 houses were going to be built over the ocean. I suggest that consortium of developers would be rubbing their hands with glee at this bill before the house today because, without any local council involvement, it need only lobby the DAP. How can we stop lobbying and corruption in this process? How can we stop the panels being politicised? I do not think we will be able to do it.

I will briefly refer to the consultation that we have undertaken and put on the record what some of the local councils have said because they are not in this place to do it themselves. The reaction from local governments has been unanimously against the introduction of the development assessment panels. City of Perth Lord Mayor

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Lisa Scaffidi says that her council is united in its opposition. She claims that the state government lacks understanding of the local government process and that the one-size-fits-all approach is not appropriate for a capital city. Ms Scaffidi says the move will add increased complexity, confusion, costs and time to the development assessment process while reducing transparency and accountability. The City of Fremantle says that the government has failed to show how the new system would be faster or more efficient. It claims that the DAPs would create a considerable cost burden for councils, which would have to pay three unelected experts between \$400 and \$600 a month extra in fees. The City of Fremantle said in its submission that it is a disproportionate response to actual or perceived shortcomings in planning decision making. It claims that the worst feature is that the DAPs will strip local councils of their influence in planning matters. It concluded in its submission that the DAP would actually significantly undermine the role of local government. The City of Melville does not support the universal and mandatory imposition of DAPs because the move proposes to devolve local government authority to determine development applications. Town of Victoria Park Mayor Trevor Vaughan said that it was a slap in the face for local councils and that the proposal does not take community needs into account. He believes that the state government is favouring big business over the community and that the proposal appears to be in response to a push from the development industry for shorter decision time frames on applications for planning approval. I am putting these local government positions out there because the Labor Party is not doing it. Wanneroo Mayor Jon Kelly says that the existing system is robust because it has a strong focus on community-based outcomes, with elected members directly accountable through the election process.

**Ms J.M. Freeman:** I bet he said that when he went through his rezoning process in Wanneroo and the whole community was up in arms about it. The whole community in Wanneroo was going back there and saying, “This rezoning lets some people have rezoning and not others.” Don’t read out comments from someone who also has those problems.

**Ms A.S. CARLES:** I am only reading their comments on the development assessment panels. That is the —

**Ms J.M. Freeman** interjected.

**The DEPUTY SPEAKER:** Member for Nollamara!

**Ms A.S. CARLES:** I am talking specifically about the development assessment panels. Jon Kelly said that the proposed system, no matter what the government says, is more expensive, less efficient and will take power away from communities; it is about vested interests. Armadale Mayor Linton Reynolds said that it is disappointing that the state government feels the need to withdraw decision making from all councils rather than solving problems with those who have erred. He said he was disappointed that the emphasis of the discussion paper was entirely on the point of decision rather than the assessment panels where the delays exist in large part due to hold-ups from state government departments. The City of Canning and the Geraldton council do not want it. City of Wanneroo planner Len Kosova said that the DAPs are quite preposterous and contrary to the planning laws of Western Australia. Mosman Park Mayor Ron Norris does not want it. Bunbury Mayor David Smith does not want it. Because of the time I will move on and not read out their comments.

**Mr J.R. Quigley:** There wouldn’t be any council who’d want it.

**Ms A.S. CARLES:** Yes, but who are we? Are we in this place to put their point of view to the Parliament and to represent our —

**Mr J.R. Quigley:** We’re not here to put the local government point of view.

**Ms J.M. Freeman:** Local government is not a constitutional body.

**Ms A.S. CARLES:** I realise that.

Kwinana Mayor Carol Adams does not want it. South Perth Mayor James Best is very disappointed about it. Lawyer Denis McLeod, whose firm represents almost every local government in Western Australia, said the development assessment panels are far more radical and extreme than those implemented in New South Wales and South Australia. Planning control is never introduced to provide a service for developers; it is to ensure the preservation of the amenity of locality. Mr McLeod also talked about the issue of third party appeal rights that I have raised.

There were people who did want it, of course, such as the Urban Development Institute of Australia, which said that it will save developers time and money, which can be passed on. The Property Council of Australia wants it and says that the plan for development assessment panels outlined by the government will streamline the approvals process and remove the politics from the local government development assessment process. Yes, that is the whole point: it will remove the politics because it will remove the voice of local council—locally elected

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people. That is how it will remove the politics; it gets replaced with a very, very powerful unelected group of people, who I am very concerned will be subject to undue lobbying and influence.

**MR J.R. QUIGLEY (Mindarie)** [5.56 pm]: Thank you, Mr Deputy Speaker, friends, Romans and countrymen. I have not come to bury the Minister for Planning today; in fact, I have come to praise him, not too much, because bringing the Approvals and Related Reforms (No. 4) (Planning) Bill forward to make these sensible steps to give the minister a greater hand in special development areas is critical to the orderly development of Western Australia.

I have represented two electorates in my time in this chamber and both were located on the coast and contained the coastal sensitivities of people who have their own view of what should happen on the coast. I think this is more acute in coastal electorates than it is in electorates away from the beach because everyone treasures the beach and wants to have their say about how it is developed, whether it is in the electorates of Cottesloe, Fremantle, Innaloo or Mindarie. In Mindarie, of course, we had the infamous sky bridge that went through. It was not the fault of the elected councillors that that wretched sky bridge went up, but it was a snafu within the administration of the council. However, once the sky bridge went up, we could not talk to the councillors about it because nobody wanted to reverse the decision. It was not until the community asked me to take it to the planning minister that the problem was put right, because the minister, looking at the whole sweep of the Western Australian coast and at the planning rules, could say, "This is not right; you've got to go back and have a rethink." I said at the time that I would stand in the Assembly and on behalf of the people of Yanchep publicly thank the minister for his intercession on that planning matter. I offer the minister their sincere thanks in the Assembly today.

In an earlier part of my parliamentary career I represented the electorate of Innaloo and there was no area that probably more encapsulated local planning problems than Scarborough. Scarborough is situated right on the beach. I know that I am speaking about this in the presence of the member for Scarborough, but I loved representing that area. It presented many challenges and the biggest problem was the planning challenges. Within Scarborough there was a community that had been there since the 1950s and thought that Scarborough was at its best in the summer of 1952 with the half-acre blocks, a dozen people on the beach in the evening, the lovely old Scarborough Hotel with its green cement lawns—I remember the green concrete steps going up and the buffalo grass. I remember it all well. It was beautiful in the summer of 1952 and thereafter but Perth had to move on because we have this beautiful growing population. The difference between representing Innaloo and Mindarie was that when I represented Innaloo everyone came along and asked, "Why does this have to change? I have a battleaxe subdivision going up behind me with another double-storey house over the back fence. I don't want it. I've always had a big backyard and when I go out no-one can see in it." People wanted to lock that area down to the summer of 1952.

*Sitting suspended from 6.00 to 7.00 pm*

**Mr J.R. QUIGLEY:** As I was saying before the dinner break, everyone in Innaloo wanted to stay in a time warp from about 50 years ago. When there was a proposed unit development at the beachfront, all they wanted to say was, "This is going to be like the Gold Coast and it will put a shadow over the beach. We need to protect it and save our sunsets." It was incredible how relatively small interest groups could get hold of an issue in local government and tie it up. I think that is because in local government wards, a small number of people vote for a local government councillor, so they become very sensitive to little local protest groups that oversee the orderly planning of the area, especially for tourism and the development of our state.

I return to my electorate of Mindarie to make one final complaint before I resume my seat. Having praised the Minister for Planning for his action in helping us with the planning fiasco that was the Yanchep sky bridge, I note, however, that although orderly planning decisions can be made for Perth, they can still be subverted by other ministers. I am talking about the development of the suburbs north of Clarkson, including Merriwa and Ridgewood and right through to Butler and Brighton. Those suburbs were the subject of orderly planning, with a railway planned to go, if not through them, almost through them, so that there would be a catchment on both sides of the railway. I cannot stress how disappointing it has been to the people of my electorate to learn that, although the government relented on its earlier announcement that it would suspend the development of the northern rail line pending a 20-year review of all public transport needs in the metropolitan area and said that it would build the Butler line, it of course reversed its decision—this is not the fault of the Minister for Planning, but it just emphasises how good planning can be turned on its head, even when the state government is involved—and announced that it would build the northern extension of the Clarkson line but that it would cancel the Butler station. I have on a previous occasion drawn the attention of the house to the fact that the government paid \$2 million for the land for a Park 'n' Ride station, which would have solved all the planning and parking

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problems in Clarkson. This very clever trick—this is not the Minister for Planning's problem, although he is part of the cabinet—involved moving three thimbles and one pea around and saying, "Where is the Butler station now?" The Butler station used to be in Butler, but now the government has cancelled the Butler station in Butler and put the Butler station up the track in Brighton where the Public Transport Authority does not own sufficient land for parking. The PTA has leased land from the developer, which is a joint venture between LandCorp and Satterley Property Group, for temporary parking. The long-term problems have not been solved.

An orderly planning decision was made to develop the suburb of Butler as a relatively high-density area. It is not high density in terms of high-rise, but it has housing frontages of just under 15 metres. Cottage blocks are clustered around what these people were told would be the Butler station, but now they find themselves abandoned. People bought their first start-up homes near a railway station and were told by the developer, acting on behalf of LandCorp, "Here is your railway station." The government then cancelled the Butler station and said that it would build the Brighton station. This is where the trick with the three thimbles enters the scene. The government said that it would build the Brighton station but that it would call it the Butler station, so that in all its announcements, the public would still think it was business as usual, that the planning decision was on course, and that the railway would be extended to Butler. No, the trains will pass through Butler at 110 kilometres an hour as they scream up to Brighton. There will be no parking at Butler; nothing will change with all the cars that swarm over to Clarkson station. All the people from Butler, Merriwa and Ridgewood will still have to drive to Clarkson to park; the temporary parking at Brighton station will be filled with Brighton and Alkimos people in no time, because those areas are booming. I have been told that at the moment 30 000 people live north of my electorate office. I have been told that by 2014 at least, there will be 85 000 people there, yet the government has cancelled the main railway station.

I welcome this bill, and I support the government, as opposed to the member for Fremantle and the member for Alfred Cove, who say that this bill will rip the planning decisions out of the hands of local government and the community and put them in the hands of politicians. Give us a rest! There is nothing to stop the community lobbying the planning minister, just as the Yanchep community lobbied the planning minister over a disastrous planning decision in Yanchep. The minister's office responded in very quick time, saying that it had received our letter and would study it. I know that sometimes when letters are written to authorities, the issue is put on the backburner forever. However, a follow-up letter came back and a meeting was scheduled at Parliament House. All this was in response to community submissions. Although the minister will make the final call on planning decisions in special planning precincts, the community will not be cut out at all. In fact, I believe this may enhance the community's power to lobby because it can put its view, through its local representative, on the floor of the Assembly.

I thank the minister once again. But, having thanked him again, I deplore this decision to cancel the Butler station, which was not the minister's decision although he sat in cabinet. As I said earlier, the PTA has said that it would cost \$23 million to include that extra station in a railway that will cost something like \$267 million. A car park cannot be built for \$23 million. An asphalt parking area could have been put in and that whole problem in that booming area could have been solved. I am still hopeful that, over the next two years, the government will relent and realise that, with the booming population in this area, it was a mistake to save \$23 million by leapfrogging Butler and stranding all those people. The school communities were established on the basis that that was where the station was to be built. That is where the \$2 million worth of land is for the station. As I say, with three thimbles and one pea, whoops, Butler station has been shunted up the line to Brighton. That is a planning disaster. I support the rest of the provisions of the bill and have every confidence that it will enhance the orderly planning of Western Australia.

**MR J.E. McGRATH (South Perth)** [7.09 pm]: I support the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. It is very important that the government take the lead in the planning of Perth to cater for what we are told will be a massive population increase in not only our capital city but also the whole state. Although that role has been handed to local government in the past, I think it should be the role of state government to plan for our state. I congratulate the minister on what he is doing in that regard.

I support the creation of the development assessment panels. Some concerns were expressed in my electorate during the original consultation period about the standard being set at \$2 million. Not many developments would fit into that category in South Perth, so it would have taken all developments out of the hands of local government. Now that the standard has been increased, with the option for developments between \$3 million and \$7 million to go to one of the panels and it being mandatory for developments above \$7 million to go to a panel, it will be more acceptable to my council. I believe that the original concerns of the Western Australian Local Government Association, which were raised earlier by the member for Fremantle, have eased somewhat following a meeting with the minister. My council told me that WALGA had a meeting with the minister, so

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perhaps the minister can elaborate on that in his reply. It is a step in the right direction, provided that it can cut through some of the red tape that has been holding up development applications for a long time. I am not sure whether adding another layer of approval will speed up the process, but I hope that it will. I guess time will tell. I certainly think that there will still be enough local content in the decision-making process given the way it has been thought out and the fact that local government will have representatives on those panels. That was something we raised with the minister during our briefings on the bill.

I will make some remarks about the provision in the bill that will allow the Western Australian Planning Commission to prepare improvement schemes, which will require the approval of the minister and will be published in the *Government Gazette*. My main reason for speaking about these schemes is that the situation in my electorate is very similar to the situation confronting the member for Alfred Cove. The Canning Bridge precinct development in my electorate is a plan that will impact on my residents. Some concern has been expressed about the potential for high-rise development to occur in Como, facing the Kwinana freeway. Many people who have bought properties in that area—and some are quite expensive properties—are a bit concerned that it has been zoned for possible 10-storey development, which would obviously block the views from many properties. I have been to a couple of residents' meetings and I told the residents that, for example, there has been talk about high-rise development along Scarborough Beach for about 30 years but it still has not happened. I told my residents that they need to be involved in the consultation process. I am not personally opposed to high-rise development that fits well in an area. There are parts of Canning Highway on my side of Canning Bridge along which I would not care how high the development went, because I do not think it would obstruct people's views and it would create a lot more residences for people. Those residences would also be close to the train station at Canning Bridge. There could be a lot more infill in that area. It could enhance the area. A hotel could be developed there along similar lines to the Raffles Hotel, which I think has been a very successful development. I am not opposed to progress or to high-rise development, but as a couple of members have said, a community consultation process is needed.

The member for Mindarie talked about beachfront sensitivity. I think there is also riverfront sensitivity. My electorate is bounded on three sides by the Swan and Canning Rivers. Properties that have river views are a lot more expensive than real estate that does not have river views. One reason Perth is different from cities like Melbourne, Sydney and Brisbane is that in those cities, it is the rundown areas that have been developed, such as the docklands in Melbourne, the docklands area on the other side of the river in Brisbane, and Darling Harbour in Sydney, where old sheds and buildings were knocked down. They are magnificent developments. Knocking down buildings and replacing them with high-rise developments is a lot easier in those areas than in a residential area such as South Perth. I think that it will eventually happen in South Perth, because residents will probably get together to sell two or three properties, which will enable high-rise development to occur. However, I do not think it will happen in the short term. I am confident that the minister will abide by the proper processes.

As I said to my constituents, the community voice is very powerful. We discussed earlier today the plans to develop the Sunset site in Nedlands. The community in Nedlands was totally against any development of that site and it did not get through. That is a different situation because the Sunset site is an A-class reserve and any development plans would have to go before the Parliament, but I think that any government of the day would listen to the community if there was a strong enough case. I would like to think that the minister of the day—I certainly have great faith in the minister who is in the job now—would not just railroad through a development proposal if the residents of the area could give a sound argument about why such a development would impact unfairly on them.

As I said, my constituents want to have a say in any development that takes place at Canning Bridge. I believe that one change has already been made to the original proposal, which was provided to residents in a document that was released only a couple of months ago. Part of the original proposal was that the train station and the bus station be moved north of Canning Bridge; however, that would have required buses to travel down a very narrow street in Como. The residents raised very serious objections to that and the City of South Perth agreed, because it would have had a huge impact on the people who live in that street. These are the things that we have to work through as members of Parliament and as governments with the residents of these areas. I can see a day when there will be high-rise development in that little precinct in Como, but it needs to be put in the right place. If the department were to look at it and move the proposed areas for high-rise development around a bit, my residents would probably accept that, but it needs proper community consultation. This is a sensitive area. There is a train station and a bus station at Canning Bridge. Pedestrian access to the station is very difficult. It is not an ideal fit because of the river alongside it and the freeway running through it. I have made many speeches about the traffic problems in that area. It is a difficult configuration. I do not think the best engineers in the world could come up with a solution unless a lot of money was poured into it, because it would probably require tunnelling and all sorts of innovative solutions to fix the traffic problems at Canning Bridge. I can see that it is an area that

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has potential for transport nodal development. My community will continue to work with the government. I am hopeful that the submissions that the community has made will be taken on board by the department. In the meantime I support this legislation. I think it is moving in the right direction. We have all heard from constituents and developers who have complained about the red tape in the local government process. Hopefully, this will be a step in the right direction and we can get on with planning Western Australia for the massive population growth that we are expecting in the next 20 to 30 years.

**MS R. SAFFIOTI (West Swan)** [7.20 pm]: I have a number of comments to make on the planning processes that have been undertaken so far, and specifically on my electorate of West Swan. West Swan is undergoing a major growth spurt, and along the Lord Street corridor, or what is known as the Swan urban growth corridor, four major residential developments are occurring. They will be home to approximately 33 000 new residents. A number of issues and problems have been raised about these proposed developments. I want to first see exactly how the Approvals and Related Reforms (No. 4) (Planning) Bill will help to try to solve those problems in the future. I will make some points, and possibly the Minister for Planning could respond later in the debate. I also want to raise issues more generally.

The first general issue is that in local government probably not enough expertise and enough funding are put towards planning and making sure there are enough planners with appropriate expertise and experience to ensure that there is an effective process. Of course, local government is responsible for funding these people, but from a state government perspective, if there is an issue of trying to make land available and get approvals through the system, I believe we need to look at the experience and expertise within local governments. I recall, under the previous government, a proposal to help fund some planners in particular hot spots. There is some justification for assisting the Cities of Wanneroo and Swan, and probably also the southern suburbs, which are undergoing massive growth, during their growth period because the workload associated with new housing development is immense. I do not think that our councils are geared up to facilitate those approvals.

Another point I want to make about planning is that a key missing element is infrastructure and the coordination of the provision of infrastructure in the planning process—such as issues to do with water and sewerage and making sure that government trading enterprises are working consistently in the planning process. It is a key blockage in the case of water and sewerage! It is a key issue. In many cases we find that even when planning is undertaken, there is an inability to provide infrastructure in a timely way, and that holds up the process. Again, more broadly, it is an essential missing element. We need a better process for how government trading enterprises, in particular power and water utilities, work with planning agencies to ensure that we get the planning right and not have people waiting months and years for associated infrastructure.

In that respect, I think the issue of public transport needs to be again looked at in the future planning for Perth. We have heard a lot about urban sprawl and we have heard a lot about the future vision for where new homes will be built. Public transport needs to be planned to meet that vision. Again, there is no use having a plan if we do not have the necessary infrastructure. As the city grows bigger and the population gets larger, public transport is an essential element. If we get it wrong—I think we are getting it wrong at the moment and that there is an underinvestment in public transport—we will create massive chaos on our roads and within the existing limited public transport. I bring it back to the example of the Swan urban growth corridor, where 33 000 new homes are to be built. Residents in those new homes will use the existing main arteries, Reid Highway and Lord Street, and the existing public transport, which is pretty limited in that area. There is the government commitment to build the Ellenbrook rail line. I believe that commitment needs to be fulfilled to ensure that these new suburbs are not strangled and that we are not playing catch-up in a decade, which we are doing in many suburbs around Perth. The public transport element is another key part. If we want to make planning better and get more land available, we need to ensure that the infrastructure is there, otherwise we will not be able to do it and it will not be successful.

I turn specifically to the issues with planning in the Swan urban growth corridor and the “Swan Urban Growth Corridor Sub-Regional Structure Plan”, which was released in February 2009. Under the current process the City of Swan determined a Swan urban growth corridor structure plan, in which it highlighted the key elements to service the corridor over the next 20 or 30 years. That went to the Western Australia Planning Commission, which ticked off on the corridor plan. That plan is not binding but it is a guiding document for the individual structure plans for each district that is currently going through the process.

I want to talk about a process that I believe is fundamentally flawed. Again, I hope that this bill helps to address what I believe has been a very bad process in the current planning that was done for the Swan urban growth corridor. Provision was made in that plan for a number of key subregional elements—for example, a commercial district and playing fields. The City of Swan located those to key areas with little or no consultation with the

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residents involved. We therefore have a plan that says, "We will have playing fields but we are not going to put the playing fields where there is vacant land; we will put the playing fields where there are people's homes. We will knock down people's homes for playing fields even though a kilometre down the road there is vacant land." It is an absolutely ludicrous result. I believe there needed to be a better process in which a pragmatic, practical approach to planning was taken. We were told that there was a state planning policy that outlined some of the key guidelines for where playing fields are located, and that it was adhered to and so it was fine.

We met with the Western Australia Planning Commission and the City of Swan. The result of their decision is that people's homes will be demolished, with little or no consultation, while there is vacant land down the road. I do not believe that taking that approach to planning will lead to good outcomes. What it will lead to are delays in the planning process. We know that we need more land, but to make that land available we need proper consultation and a pragmatic and practical approach to planning, rather than a desktop analysis of where these places will be. When I took some of the landowners to meet with the City of Swan, we asked why they chose this land for playing fields. First, it is not flat and, second, it has on it all these existing homes. We asked why they chose this land. They said that from their desktop analysis they believed it was the best place. People did not go out to see the land on which these playing fields were going to be. We therefore have an adverse planning outcome that will impact on the speed and the quality of the approval process. I believe that we need a better system in the future. I am not sure this bill can provide it, minister. I have written to the minister in respect of this issue—hopefully to get a resolution.

The other part of this process in respect of the Swan urban growth corridor relates to where the commercial centre has been designated in relation to the entire growth corridor. Like I said, this was a planning process undertaken by the City of Swan. It is one of the first areas to have undertaken this process with a new plan. It identified the whole region and tried to give some framework for development of the individual structure plans. In essence, it is the right path forward. An area with existing homes has been chosen for a commercial centre, yet people have basically only just moved in. These people were not told of the planning problems or planning issues that were in front of them. People spent hundreds of thousands of dollars building brand-new homes only to be told that they now live in a commercial district and that a Ronald McDonald restaurant will be located right next to them. Again, it was a perverse outcome to what could have been a quite sensible approach.

I have written to the Minister for Planning in relation to both these issues; that is, the location of the playing field and the location of the commercial district in respect of the "West Swan East Structure Plan". That has been approved by the City of Swan and forwarded to the Western Australian Planning Commission for final approval. We need a better process. We cannot continually demolish existing homes when there are choices. For example, when compulsory acquisition is the only choice in route definition in railway construction, I think that is a sensible thing; however, when vacant land is available down the road, yet people are told their homes have to be demolished, that is a very bad outcome. I hope that this bill and this legislation will lead to a more sensible approach to planning in our suburbs.

Another issue I raise relates to schools in proposed developments. There are serious problems with how we do our developments and how we do our structure planning. I will use the example of Bennett Springs, which is a residential development north of Reid Highway and is currently part of Beechboro. When that development was undertaken, land was earmarked for a primary school. The Department of Education bought the land for a primary school. People bought next to that land on the expectation that a primary school would be provided, and, of course, the developer sold the land on the basis that there would be a primary school. There is now no primary school, and, in an answer from the Minister for Education, there are no plans and no current funding for a primary school. I believe that when structure plans are signed off by the Western Australian Planning Commission, some process is needed by which funding is allocated for elements that are being sold to prospective buyers. In relation to developer contributions, that includes things like roads, utilities and parks. In relation to other services such as schools, again people buy blocks of land on the expectation that a school will be built nearby on the prescribed land. There is no funding and there is no plan to do that. As a result, people have bought into new developments on expectations that sometimes have not been fulfilled because no funding is provided at the time of planning. Funding is provided for the purchase of land, but no funding is provided for the construction of a school. That is another bad outcome that should be addressed as we try to create further residential developments and as we try to encourage quicker planning processes and further development.

The last thing I want to touch upon relates to housing affordability. I am disappointed that the new Minister for Housing is not here at the moment. One of the key issues we talked about today in the matter of public interest related to housing affordability and the blow-out in the Homeswest waiting list and what government can do about this situation. I think the government made a serious mistake when it abolished the shared equity scheme and tightened the conditions for Keystart. The key issue in the market, as was described by the Minister for

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Planning in his response to the MPI, is access to credit. The shared equity scheme gave low-income earners relatively easy access to credit in that they were able to purchase their homes in partnership with the government. People who would normally go on the Homeswest waiting list were able to use this method to purchase their homes in conjunction with the government. The abolition of the shared equity scheme and the tightening of the Keystart loan conditions have reduced the amount of credit available in the market. As we all know, the key issue in respect of housing affordability over the past 12 months has been access to funds. The removal of those two schemes by this government has impacted on the Homeswest waiting list and has impacted on housing affordability in this state. The government needs to reconsider its position on both fronts. I hope to see in the state budget the reintroduction of a shared equity scheme and also a re-look at Keystart to ensure it is available to more people to ensure we encourage Western Australians to buy their own homes.

**MR A.P. JACOB (Ocean Reef)** [7.36 pm]: I will make a few brief comments in very strong support of the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. We have all heard bandied around the place that Perth’s population is predicted to double to at least 3.5 million people by the middle of this century. The draft spatial framework for the Perth and Peel regions estimates that Perth and Peel will need 328 000 more dwellings to accommodate an additional 556 000 residents by 2050. To effectively deal with the population explosion and the demands that it creates, a coordinated planning response is needed. There also needs to be, wherever possible, the flexibility to allow for future creative solutions that will allow us to better respond to future challenges. With this, there also needs to be a streamlined approval process.

In the 1950s, Alistair Hepburn and Gordon Stephenson designed a plan for Perth that was based on four suburban corridors and a central business district. Evolving out of that plan we have ended up with the sprawling suburbs that we see across the Perth metropolitan area today. We now need to ensure that we have a coordinated approach for the next 50 years—one that provides for consolidation of the inner suburbs, nodes of increased density, as well as for some suburban growth; and one that plans for the challenges to come with a much greater focus on sustainability.

The topic of sustainability comes up in just about every area of life these days. I firmly believe that planning is the one area where we can get the most bang for our buck in an appropriate approach to planning. Perth’s “Dullsville” tag is largely the result of timid and ad hoc planning decisions that have continually stifled development in our city. Too often we have seen good development held captive by interest groups, and developments delayed or scuttled by small-minded arguments often based on the nimby—“not in my backyard”—principle. Local councils are regularly held captive to interest groups. I have certainly had experience of this in my time. Even worse than the nimbys, we often see what are termed as the “bananas”—the build absolutely nothing anywhere near anything group—which is certainly a group that I encountered more often than not when I served on my local council. I can understand a person who wishes to form a community action group to take on an issue if a development is in his or her own backyard and it impacts on his or her house; however, more often than not, from my experience in local government, a person who lives kilometres away protests just out of sheer principle, whatever that principle may be. I have seen this again and again, and often from the same people. There are groups of people who stifle development in the suburbs. From our own community consultation, we may know that 97 per cent of the population approve of a development, but people from action groups in outer suburbs try to find creative ways to stifle that development. It is an ongoing issue, especially in a coastal electorate such as mine. The argument that I always hear as a coastal member is that we do not want another Gold Coast—nor should we; I agree. I do not think anybody here is advocating another Gold Coast. That is one extreme of the argument. The other extreme is that we keep it like the 1970s. One of my constituents regularly sends me photos of our local beach in 1970. I think he wants us to go back there. It seems as though so much of the argument is polarised to one extreme or another, whereas the reality is somewhere in between. Even relatively big local government councils can often lack the expertise to properly evaluate big projects, and they certainly tend to be more guided by local issues than by the larger, overall state picture.

Secretary to the Treasury Dr Ken Henry is not someone I wish to portray as an authority on everything, but he has observed that Australia has one of the highest levels of urbanisation in the world, but also has among the world’s lowest levels of urban density—urban sprawl. This especially applies in the Perth metropolitan area. The question needs to be asked: what planning incentives have led, over time, to this current state of affairs? These will need to be changed, because as the cost of energy rises and as water becomes more scarce, there will be an increasing need to fill in the gaps in our suburbs and to curb some of the outward growth. I firmly believe that a spin-off effect of this will be that we will actually end up with a far more dynamic and vibrant city. I see this as a win-win solution. There is a huge opportunity to facilitate voluntary infill, especially around the transit corridors. I stress that the option for infill is voluntary; it is for residents to choose whether they want to do it. I am certainly putting my money where my mouth is; my local council is consulting about going to higher density

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housing around our local train station. I live within a kilometre of that train station, so that will impact on me, but I certainly think that this is a way forward.

**Ms J.M. Freeman:** You don’t oppose it, then?

**Mr A.P. JACOB:** No; definitely not.

I guess we often get a lot of renowned international people coming to Perth in various capacities and giving their opinions on the future of Perth; one recent such visitor is Charles Landry. I think we need to be careful when international superstars in this field come here to give us their opinions, because they do not have to stick around and deal with the ramifications if things go wrong.

**Ms J.M. Freeman** interjected.

**Mr A.P. JACOB:** No, I certainly think we should always listen to the advice they bring, and I think Mr Landry brought a number of worthwhile things to Perth. A few of his quotes especially apply. He observed that the rules and regulations clutter of Perth had enveloped him and led him into a maze of laws and bylaws. The bill before the house, the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, certainly simplifies things and starts to remedy that. Mr Landry said that Perth was like “rules spaghetti”, with overlapping jurisdictions where each person has something to say. Turf wars abound and there is no streamlining or clarity. He said that it was no wonder that he perceived a huge inertia, cultural fear and risk aversion in the bureaucracies. That was certainly my experience in local government, and even now as a local member of Parliament. Mr Landry said that metropolitan Perth seemed to be a place where everything is forbidden unless it is allowed, rather than everything being allowed unless it is forbidden.

**Mr D.A. Templeman:** Member, were you an elected member for an area that was relatively new?

**Mr A.P. JACOB:** No, it was pretty well-established; there are some new pockets. It may have started being developed in the 1970s, but most of its development happened in the 1990s, and I was an elected member for the very same area that I represent now as a state member of Parliament, so I have represented my local area for a number of years.

**Mr J.E. McGrath** interjected.

**Mr A.P. JACOB:** Thank you, member for South Perth.

Mr Landry is correct when he says that turf wars abound and that there is no streamlining or clarity. However, that is what this bill is designed to fix, creating streamlined processes with not only clarity but also speed and consistency and putting the framework in place so that the planning system of Western Australia and metropolitan Perth can better meet sustainability challenges into the future.

**MS J.M. FREEMAN (Nollamara)** [7.43 pm]: I rise to speak on the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. Before I make my remarks on the bill, I thank the Minister for Planning and his advisers for the briefing I received on the bill; I found that very helpful in gaining an understanding of the bill. The opposition will support the bill, and I certainly support it as well. However, there are a few issues that I want to raise and I would also like to know whether the minister can clarify a few things about this bill for the record.

I read the minister’s second reading speech and noted that he said that the amendments in the bill before the house would create greater efficiency and consistency for state government priority projects. The member for Rockingham talked about the planning aspects of the bill and the need for the release of land. I thought that now would be an apt time in this debate to yet again put on record that efficiency and consistency is something that the state government should deliver on for the land that it owns. A large pocket of government-owned land in Mirrabooka, between Mirrabooka Avenue and Chesterfield Road, is sitting unused. It is owned by the Department of Housing and needs to be released. I urge that action be taken on that. I understand that there is some issue between the Department of Health and the Department of Housing about this land. At the last meeting that was held on this matter, it was claimed that approvals were pending from the City of Stirling; I checked, and there were no approvals pending. I will be placing this matter on the record at every opportunity I get—here we have a large block of land in the inner city that is degraded and remains unused, and is causing the surrounding area to become stigmatised as a result. This is government land that is not being used efficiently or with any consistency, and it has been sitting there vacant since the 1950s.

That is not particularly to the point of this bill. This bill will extend improvement plans. In his second reading speech, the minister referred to the Northbridge urban renewal strategy as an example of an improvement plan. For the sake of clarification, I ask the minister to put on record whether this bill will assist in dealing with the Koondoola urban redevelopment area. The member for Gosnells referred to a situation in which a property

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owner had not developed his property and had allowed it to become derelict. The minister is familiar with the situation in Koondoola, but for the purposes of *Hansard*, I will expand upon it. The owners of a shopping complex in Koondoola—some eight strata title owners—have allowed the complex to fall into quite substantial disrepair; there are potholes in the parking area. When people complain to me about shopping centres in other areas, I offer to drive them to the Koondoola shopping centre because they will think they are in heaven compared to what the residents of Koondoola have to put up with. This shopping centre truly stigmatises Koondoola; it is akin to what one might see in parts of the world that are less well-off than ours, and that is not what the residents of Koondoola want. It undermines their sense of safety in the area. I do not think that it necessarily contributes to a lack of safety to a greater degree than any other shopping centre in the area, but it does undermine the residents’ sense of wellbeing. It is a major concern in the area. The previous government allocated \$1 million towards the renewal of the area. I have placed this on record before, but happily the current government continued that funding. Unfortunately, it was never used for the particular development I speak of, and that money has now rightly gone to other projects that will benefit the Koondoola area. However, the problem has not gone away and is a serious issue for the community in Koondoola. That community would still like to see action being taken on that. My question is whether the improvement plans in this bill can assist in putting pressure on those shopping centre owners to ensure that there is a facility in their community that reflects a standard that all communities would expect.

Local government is part of that process and is on side in that process. Obviously this bill goes very significantly to the issue of development assessment panels, and of great concern to me is when we get legislation that acts as a mechanism for regulation. The majority of the work undertaken by the development assessment panels will be determined by regulation. We have to recognise that, by allowing legislation to come before us that is not scrutinised on particular aspects but is sent off with a head of power so that the minister can write that regulation, we are devolving our power to the executive. As a Parliament we no longer get the opportunity to scrutinise those pieces of legislation—unless we disallow the regulation or the regulation is not in keeping with the legislation. That is not necessarily a bad thing, but it needs to have a process attached to it. From my experience of the Occupational Safety and Health Act, which is a very small act, most of its provisions are set out in regulation and those regulations are made and agreed on through the stakeholders in a tripartite committee. That will not be the case with this bill. This bill will give a head of power to the minister for many of the issues that face our community and the communities that we represent, and that will be done by regulation.

The second reading speech states that development assessment panels will provide significant benefits for local government, the development industry, land owners, the general community and other stakeholders. It is easily said that we are involving the local community in this process, but we are taking this process away from that lower level of government, which is local government. I will refer to that in a minute because I have a particular view about local government and its role in planning. I concur with the statements by the member for South Perth that it is the state government’s role to guide planning in this state. That is a very important point. If we want to involve community in this process, it seems that we also have to put in this legislation how we do that through a consultative process. A particular piece of legislation that does that, to which members can refer to see how it works quite effectively, is the fishing legislation that we passed through this Parliament. I know this because I am a member of the Joint Standing Committee on Delegated Legislation. The fishing legislation makes it compulsory for the Department of Fisheries to go through a process of consultation with the community when it is setting the different regulations. Consultation can mean many things, and in that case it probably means just telling them. I have a problem with that because consultation is a broader concept and is about assessing the contribution of the community, negotiating and gaining outcomes that take into account different people’s points of view. There is probably a more eloquent way of putting that, but I mean that it is not just a sham consultation; it is a real and proper process whereby people feel included and their views are properly considered and through which the community’s expectations can be met and are met. I know that people have stood in this house and said that if the DAPs cannot decide, the minister can make the ultimate decision and we can rely on that. I do not think that is necessarily the case. There has to be a process, if it comes to that point, so that we know that it has gone through the proper process and an exhaustive community consultation and that the minister is making an informed decision when and if he or she has to make that final determination.

The DAPs are also going to be established as expert panels. I have had a bit of experience with expert panels. The legislation for the new workers’ compensation jurisdiction set up a medical committee, and I had the pleasure of chairing that committee for a period of time. I caution the minister about the concept of “expert”, because it sometimes excludes people with commonsense application capacity. That is because we rely so much on the tick-the-box experts—the university graduates or those who are experts because it is written on a piece of paper. That can sometimes hamper a good process, instead of enhancing one. It also can siphon off different people, which was my experience. Some professions are a bit elitist. In workers’ comp, that profession is the

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occupational physicians, who do not think any other doctor can look at workers' comp because that is their field. There may have been some general practitioners who had dealt with these special issues over a long time, but it became very much an exercise of constant negotiation and discussion to make the occupational physicians realise that other people could have that capacity and capability outside of narrow technical qualifications.

We know that the DAPs will comprise a chairperson, two specialist members and two local government representatives. We also know that a DAP will have a quorum of three. I have a question and I hope the minister can provide some clarification. A quorum comprises a chairperson, a specialist member and a local government member. What happens when there is disagreement between those three people? Even if the DAP has its full complement, the chairperson and four members, will the final decision rest with the chair? That is very important because anything like that will undermine the operation of the DAP and its validity, because it then allows for particular people to question the outcomes. These things cannot always reach resolution by unanimous decision, so I have a question on that. I understand that under the regulations the specialist members will be required to have a tertiary qualification. Again, none of this has been written; we are not going to see that. If they are required to hold a tertiary qualification relevant to the area of expertise and have sufficient experience practising or working in their area of experience, why not include that in the act? Why is that in regulation? If that is something the government knows and is aware of, it should put it in the act so that this Parliament can have a discussion about whether that is an appropriate way of setting up these very important DAPs. If that is not the case and the government will have flexibility in those sorts of things, how will it determine that and where will that be set down?

I also understand that all DAP members—I assume that includes the chair—will be required to do mandatory training. Who pays for the training, if that is a requirement, and where will that be? I am asking these questions because I sit on the Joint Standing Committee on Delegated Legislation. We get those regulations and we have nothing to guide us to know what the intent of Parliament was when the legislation was passed. I am asking the minister what is the intent of Parliament so that when a regulation comes to the Joint Standing Committee on Delegated Legislation and I am given the task of looking at that regulation, I can clearly say what was the intent of Parliament and whether that regulation fits with that intent of Parliament. The development assessment panel members will be appointed by the minister in consultation with the cabinet. My concern with that is if there is any concern with any appointment subsequent to the cabinet appointment, how will that appointment be scrutinised? Will the proposed appointments of DAP members be published for community consideration prior to their going to cabinet; will people be able to say that a person is unsuitable; or will it all just blow up after the fact and we will be told that it is too late, it has gone through the cabinet process and these people have been appointed?

I understand also that each DAP with five members will have one specialist member with a planning qualification.

[Member's time extended.]

**Ms J.M. FREEMAN:** If it is the intent to ensure that one member has planning expertise, why was that provision not included in the legislation; or is that to allow the minister to put whichever provision he wants into the regulations? That is what the minister is doing. He is giving himself a head of power to pretty much do whatever he wants. All members standing on this side of the house are saying that these provisions in the bill sound fantastic, but the minister will go off and write the regulations for them.

The minister then talked in his second reading speech about other areas of expertise. I would like the minister to put on record what these other areas are. Will they relate to heritage, the environment, Indigenous issues or urban transport planning aspects? What other areas of expertise will the minister look at? Will the areas of expertise be arrived at by community consultation? Will the areas of expertise be community based?

Finally, I have seen some details on how much the DAP members will be paid. I know the payments will probably be set by the Department of the Premier and Cabinet, but perhaps the minister can clarify that. It seems to me that the way DAP members will work is that planning applications from local governments will go to a DAP. That seems to be a costly process. It does not mean that I do not believe we should have planning at the level of state government. I do not necessarily disagree with that. I just think that we need to be very cautious about the cost. I suppose I would like clarification on the cost of the DAPs and the way in which the minister will assess their efficiency.

One thing the minister said in his second reading speech was that the DAPs would allow him to gain data on what sort of developments would occur. Will that data come back to the Parliament or will it be public data so that we can assess whether there is a cost benefit in this legislation? Will we get quicker processes for a really

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expensive contribution from taxpayers; or will we get the same processes that take the same time but suddenly we are chucking a whole bunch of taxpayers’ money at it to facilitate the process? They are some of the issues I saw when I read the bill.

Another matter that the minister outlined in his second reading speech was his commitment to ensuring the approval systems encouraged a mix of housing forms and that there was scope to increase urban densities without adding to the cost of higher density development. The member for Alfred Cove talked about that in some detail, which I will go to shortly. However, one issue in my electorate of Nollamara is that urban development is the fastest growing business in the area. Large blocks are knocked down and three-unit developments go up, but they are done without any sensitivity. They are all built from a developer’s aspect, without overall planning for roads that feed into them and without providing some of the other necessary urban facilities. Frankly, they are done in a manner that really does not add to the urban appeal of those areas. To me those developments are illogical and should be allowed only on the broader basis of what is required of developers and not just on the dollar amounts. I understand that that issue is probably addressed in some of the plans in the town planning schemes. If I could have some detail on that, it would assist me to get a greater understanding of this bill. The bill also ensures that planning is for not just increased density, but increased density that takes into account the infrastructure and transport needs of an area. Those needs must be addressed.

There are a few other general areas that I want to quickly address. I understand that local governments will be relied on to staff the DAPs. I have serious concerns about that, as there are industrial implications for the person who will have authority over the staff members. Will the DAPS have authority over staff? If the chairperson of a DAP directs a staff member to do something, will that person have difficulty knowing to whom he or she is answerable—that is, the local government authority or the DAP? How will the DAP interact with staff to ensure that there is no worker at the end of the process who is pulled between the local government and the DAP in determining which master the worker serves?

There are also some issues of consistency. One local government may deal with applications in a very efficient way; another local government may expect them to be dealt with in a manner that is a secondary job for a staff member. I am therefore concerned about that. Again I understand it will all be governed by regulation and I will therefore just have to trust the minister.

Another general issue I have is whether the agenda, minutes and decisions of the DAPs will be made public or whether only the decisions will be made public. How will we review those decisions? Can the DAPs decline an application if it does not deliver elements of good urban planning? That is something we were talking about previously.

I would be interested if the minister could put on record whether the regulations will be made through consultation and who he will be consulting with so that it is very clear from the point of view of ensuring that the legislation meets the intentions of Parliament, and if he could answer my questions on how the feedback on efficiency will be made public.

I want to make a few comments in response to some of the issues raised by the member for Alfred Cove. Both local governments in the electorate that I represent are extremely efficient and good local government authorities and the local councillors are very committed to the people they represent. But I still believe that we must recognise that the status of local government is not as a constitutional body. In 1989 many members opposite—or at least members of their party—were opposed to a referendum to give local governments the status of a constitutional body. Local governments operate under state legislation and they have delegated responsibility from state legislation. We must acknowledge that by giving them that responsibility. Many local councillors are very hamstrung in that they have to act within tight constraints under state legislation and they risk being sacked at any time, basically, if they do not act in a manner that is regarded as appropriate. I think that is a very difficult situation for many local councillors. They are placed in a situation in which local government has a scrutiny policy, but that may not include scrutiny of some of the operational aspects of local government that local councillors need on some of the technical areas of planning. I have never been a local councillor, so I cannot be sure of that myself, but it would seem to me that planning is one of the difficult areas for local councillors and that they are very much in a difficult situation given their status and given that they really operate on our delegated responsibility. They should not be placed in that position. I honestly believe that the history of passing planning responsibility down to people at that level has probably not done us a service. The member for Ocean Reef posed that. He put it very articulately that we have had planning that has been ad hoc and not joining up. It also means that there are vocal parts of an area that a local council represents—in my case, Mt Lawley—and that results in that area getting a lot of focus by the representatives at local government level, versus the situation in the area of Nollamara that sits next door. The interesting thing about areas of influence is that there are people

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who are very good at looking after vested interests and knowing how to take collective action versus what happens in other areas.

**Mr J.H.D. Day:** As you say, councils can be subject to a lot of pressure from a small number of people.

**Ms J.M. FREEMAN:** Yes, indeed, and we have placed them in that position. That is the reality of it. We can come into this place and say that we are taking that away from them, but in fact what we did was place an onus of responsibility upon them that was unfair, given that we have never given them the status of a constitutional body. That is a much broader argument, and I am happy to have it any time. I think that we have too many tiers of government, and that needs to be sorted out. I believe that being at that lower level of government has a better aspect regarding connection with the community. I think that that level of government does a very good job, and people feel very connected to their local councillors and their local representatives.

I noted the member for Fremantle's comment about third party appeals and that local communities cannot appeal to the State Administrative Tribunal. I understand that that might be onerous, but I am very much of the opinion that people need to have a capacity to ensure that there has been fairness in process and fairness in procedure, and that they should have their time to put their argument in whatever court or tribunal is available to them to do so. I have strongly put on record in this place that I believe unions should have the right to prosecute under the Occupational Safety and Health Act, which they do not. That is a third party appeal because, under this process, only government can do it. I believe that this is no different. People who have an interest, and can show they have an interest, and a valid interest, should have the capacity to process that to some sort of tribunal, which can at least assess whether those people can take the next step and argue against an application. Maybe in the first case it is just a matter of seeking leave to appeal. Therefore, I would be interested in the minister's view of that and his view of the consultation process of which he has an expectation under this legislation.

**MR D.A. TEMPLEMAN (Mandurah)** [8.12 pm]: I am very pleased to make a contribution this evening to debate on the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. As has been highlighted by the opposition spokesperson, the opposition will be supporting the bill. I am interested in a number of aspects that are highlighted in the bill. However, before I deal with those matters, I congratulate the member for Nedlands on his elevation to the ministry. I note that there are a few disgruntled backbenchers in the government who are absent this evening.

**Mr M.W. Sutherland:** Not us.

**Mr D.A. TEMPLEMAN:** I do not think the member for Mount Lawley was considered. Anyway, let me just say that there are a couple of disgruntled members over there. I note that my good friend the member for South Perth was very forlorn—that is the word—when he came in —

**Mr F.A. Alban:** Member, we note that you are in the back row, just like us.

**Mr D.A. TEMPLEMAN:** What is that, Duffy?

**Mr F.A. Alban:** We note that you are in the back row, just like us.

**Mr D.A. TEMPLEMAN:** Duffy from *F Troop* wants to make a contribution, just like he did at the Alamo! However, let me just say that I congratulate the member for Nedlands. He is eminently qualified. I am very sorry for the member for South Perth. He is very disgruntled. I believe that the member for Murray–Wellington is now considered the most disgruntled member in the history of the Western Australian Parliament. He is most upset. My commiserations to the member for Scarborough, who is also not in the chamber. I am sorry; she is not in her seat, so she cannot now attack me! The member for Jandakot has been very, very conspicuous by his absence most of the afternoon. Oh, they are filing in here now.

**Ms R. Saffioti:** We heard you.

**Mr D.A. TEMPLEMAN:** He is very conspicuous by his absence. He is always eager, always ready to jump up, but he also has been overlooked, and I am sorry for that. My good friend the member for Murray–Wellington, now the most disgruntled member of Parliament, is here in the chamber, and I commiserate with him. I thought his taxi was parked in that first rank, but it was not. Other backbenchers may have had aspirations. I know that the member for Geraldton had deep aspirations for taking that spot. The member for Wanneroo was very keen. He was foaming at the mouth in anticipation.

**Mr F.M. Logan:** What about Tony Simpson, the member for Darling Range?

**Mr D.A. TEMPLEMAN:** No, he is a good man.

Several members interjected.

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**Mr D.A. TEMPLEMAN:** No, he should be the Speaker. There are lots of members over there who have very good qualities, and I am sorry that they were overlooked. That is not saying anything against the member for Nedlands, because I am sure that he is going to brighten up the place. However, I must say that in the MPI this afternoon I was a little concerned about the script that had been cleverly prepared by the member for Nedlands for his speech. I felt that his contribution was not as colourful as it could have been, but I am sure that he will make a sizeable contribution in the future. He did read from the script.

I now dispense with that preliminary discussion and get on to some very important matters.

**Ms R. Saffioti** interjected.

**Mr D.A. TEMPLEMAN:** No, I will save that until later.

Of course, the very important matter is the bill we are debating this evening. As I said, the opposition has indicated that it will be supporting the thrust of this bill. When we say the word “thrust”, I think of the Peel region, because one of the things that I believe the minister —

**Mr M.P. Whitely:** You had me worried there for a minute, member for Mandurah.

**Mr D.A. TEMPLEMAN:** One of the things that I am sure the minister is aware of is the tremendous growth in the Peel region. The member for Alfred Cove is in the chamber. Good! I hope she is going to stay in here because I have some important things to say about the member for Alfred Cove, as she waltzes into the chamber and waltzes back out.

**Mr F.M. Logan:** But she’s still here.

**Mr D.A. TEMPLEMAN:** I know, but I thought that she had gone home in her Mercedes-Benz, down to her palatial mansion at Alfred Cove, on the banks of the Swan River. However, I will come to that later. I am sure —

**Mr F.A. Alban** interjected.

**Mr D.A. TEMPLEMAN:** What is wrong, Duffy?

**Mr F.A. Alban:** I said that if you work hard enough, you could have one, too.

**Mr D.A. TEMPLEMAN:** I know I could; I could have one. I would love to buy the block next door and build a 10-storey block of flats and invite all the undesirables to come and live there for free. That is what I would do. I would get them all to come and live right next door to the member for Alfred Cove for free. I would give them all free tickets to have their loud music blaring out at a huge number of decibels as they look down at the member for Alfred Cove as she paddles about in the 10-metre lap pool with all her friends. That is what I would do. She is off now; she has gone.

I will get back to the importance of this bill and of the Peel region. In the 2031 planning document and in a range of other planning documents that the WA Planning Commission and the minister’s department are referring to, Peel becomes a very strategic and important part of the future plans for delivering adequate housing for the population growth, which is currently booming in Western Australia—in the metropolitan area and down to the Peel region. My concern is that the Peel region continues to sit on the outer rim in the planning documents that have been developed. I know that in the 2031 document, there are issues about projected populations and differences between what the local Shire of Murray, for example, and the City of Mandurah have for their population projections and what the department has identified as its population projections. I believe that that needs to be looked at very carefully again, because the thing that I fear in particular about the growth demands that are being placed on Peel is that the important frameworks that must be put in place are still not in place. Therefore, Peel will be expected to accommodate a growing proportion of the population in Western Australia. However, a number of structural issues must be addressed from social, environmental and economic perspectives.

Firstly, I will deal with the environmental perspective, because it is absolutely critical to Peel. As members are aware, the Peel waterway remains the iconic jewel in the crown in that region. The waterway is fed by three main rivers—Serpentine River, Murray River and, of course, the Harvey River, which is in the south.

Water quality remains the key issue for that waterway. As the member for Rockingham mentioned in his speech, the issue of water quality will remain an issue for Peel until a number of measures are put in place. The water quality improvement plan is critical to the health and wellbeing of the Peel waterway. The recommendations within that plan and the funding that lies within it must be implemented. That plan must be implemented across the next decade to 20 years, because of the major water quality threats to the health and wellbeing of that waterway. I repeat what I have said before in this house; that is, if the Peel waterway collapses, then governments—local government would not be able to deal with it, because it cannot deal with it now—both state

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and federal, will be left with a massive bill. It will drive a stake straight through the heart of the local economy and local environment. The social problems that would come out of that would be absolutely devastating.

**Mr M.J. Cowper:** There would be no Mandurah Crab Fest!

**Mr D.A. TEMPLEMAN:** It would involve more than the Mandurah Crab Fest.

It is a critical thing. If we want to encourage a greater population in Peel, the other structural plank that would need to be included is the establishment, funding and ongoing management of the Peel region park, which has been identified as a main conservation and recreational area. At the moment it is basically shown as land on the map. There are no effective management plans in place and there is no funding to underpin those management plans. This is also a critical element.

I honestly believe that Keralup, which is the major nodal development to the north of Mandurah within the City of Rockingham and bordering onto and spilling into the City of Mandurah, will remain a fundamental issue if the issue of water quality is not addressed in the planning of that proposal; that is, if it goes ahead. A potential 60 000 people cannot be plonked around the upper reaches of a sick river, the Serpentine River, which we know has major problems. A range of environmental issues must be addressed. If we are to encourage greater population growth in Peel, we must address the major underlying environmental issues.

In this debate I have heard members mention high-rise development in Mandurah and that people do not want the city to become like the Gold Coast. The Gold Coast is a unique place and there is probably no other area in Australia quite like it, simply because it is a high intensive density development that caters for a large number of people in a relatively small area. People say that they do not want a Gold Coast-type development, but we have not seen any development of that kind in Perth, certainly not to the scale of the Gold Coast.

In the past 10 years in Mandurah there have been a number of high-rise developments. In fact, in the past five years we have seen, for example, the completion of the Mirvac Fini Peninsula Hotel site, which comprises three towers, each of which is 12 storeys. A 12-storey development on the Brighton Hotel site is currently under construction and is nearing completion. Near the Dawesville Cut and close to the golf course a major high-rise development is nearing completion. Part of the site known as the Frasers development, which will include a proposal for a six to eight-storey building, is under development. It is the residential part of the Frasers development that is currently under construction. At Bridgewater there is a proposal for a very intensive 12-storey major high-rise development on the foreshore, and there are issues around it. Of course, around the Mandurah railway station there is the Mandurah Junction proposal, which is currently out to tender and comprises nodes of up to five storeys in and around that development.

I do not oppose higher density development, but there are some provisos, particularly as it applies to the environment in Mandurah. One of them is the proximity to the estuarine development. I do not have a problem with high-rise development on the coastal ridge. However, I have a problem with high-rise developments close to the estuarine system, mainly because the estuarine system is, and will continue to be, impacted by rising sea levels through global warming. It is along the estuarine system in the Peel waterway that we have some significant international obligations. I am sure the minister is aware that we have important internationally listed Ramsar sites. We have an international obligation to ensure that those sites are protected. There are implications associated with planning for those sites.

Another site that is very strategic and is a major concern to me remains the Point Grey development in the Shire of Murray, which is directly across from the Dawesville Cut. It is a proposal that, if developed to what has been advertised, will see not only some higher density development, but also some major dredging in the estuarine system for a channel across from what is proposed as a smaller marina on the eastern side of the Peel Inlet and a major dredging project through to the Dawesville Cut. That then raises the question: how do we service that population? It may be in close proximity to the Dawesville Cut by boat, but there are implications with access to that development by land. It would affect not only the transport connections, which can be dealt with, but also services that would need to be connected to that development if it is built out to what is proposed.

In terms of dredging, there are huge issues around the ongoing cost to, ultimately, the ratepayer/taxpayer in the area to ensure that any future channel is kept open and maintained. We already know that we have a problem in the member for Murray-Wellington's electorate in the old canals at South and North Yunderup.

**Mr M.J. Cowper:** That is about to be addressed.

**Mr D.A. TEMPLEMAN:** And hopefully it is. It is a very interesting historical responsibility that was handed from the state to the local government via an agreement. The shire quite openly says that the government should never have done that. The costs to the shire every few years to maintain and keep that channel open for the

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population who live there—they expect it to be open, and I understand that—is, from memory, upward to half a million.

**Mr M.J. Cowper:** It is \$800 000.

**Mr D.A. TEMPLEMAN:** There we are—it is close to \$1 million. It is a lot of money for a local shire to find and a lot of money to maintain what was, when it was established, an artificial entrance.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** If we are to create developments such as Point Grey that include channels, we must make sure that questions about the impact of dredging on the local waterway, the ongoing maintenance of the channels into the future and the impact on fishing are considered. Fishing is a big economic driver in the area around the proposed channel. According to both professional and recreational fishermen, it is an important area for a range of species that are caught by commercial fishermen, including crabs and whiting. Those questions need to be addressed. We also need to answer how the population will be serviced when it will be stuck out on a peninsula with no other immediate development or services nearby. That is the reality that Point Grey faces. I have lived in Mandurah for over 20 years and have visited the area for most of my life. There was a time when one could look from the west to the east and there were no lights along the estuary foreshore on the eastern side. One could see the lights of Pinjarra and those of Alcoa, but that was all. With the Forrest Highway now open, land developers have speculated on the development potential of the large area of land that backs onto the eastern side of the estuary. In the future there could be not just Point Grey but also other nodal urban development right along that strip. Some of that land will be protected by the Peel Regional Park, but a lot could potentially be developable. Most of that land is currently zoned rural, but as we know, a lot of the land in and around the Peel region, particularly around Mandurah and in the Shire of Murray, was once rural but is rural no more.

I caution the minister that, in streamlining the system, he ensure that those important elements are considered as impacts on the development of the Peel region. I am sure that the member for Murray–Wellington has consistently told the minister about the growth that is occurring between Mandurah and Pinjarra. It is a major nodal corridor of both urban and commercial development. It is amazing to see what is literally built overnight and what is planned. The minister will also be well aware of Nambelup industrial estate, which is the major industrial site that we wanted developed for a long time. It is considered to be a very important economic provider for the region. Peel was sort of tacked onto the Perth–Peel plan, but Peel has its own set of unique environmental, social and economic planning considerations. As I have said so many times in this place, they are underpinned by the health and wellbeing of that waterway. The member for Rockingham earlier mentioned the human response to some of the environmental challenges the region has experienced. For example, the Dawesville Channel was seen as a major mechanism to address algal blooms and algal growth in the Peel–Harvey system. It was considered to be a major engineering mechanism to deal with that environmental problem. In reality, it created a range of other issues, such as tidal influences on the waterway, an increase in the areas susceptible to mosquito breeding, and low-lying land. If the climate change indicators are correct in terms of an increase in sea level, the water level of that waterway will rise and a lot of the land that has already been built on will be at great risk. The implications of climate change remain a concern for those in the Peel region.

We have all heard about and mentioned the urban sprawl. It is important to remember that the Perth metropolitan area, including Peel, stretches along the coast from Two Rocks in the north to Mandurah in the south—around 160 kilometres of lineal development. There are relatively few unbroken areas that are yet to be developed along that coastal strip. There is a bit at Anstey between Mandurah and Rockingham, but development continues unabated down through to at least the southern part of Dawesville. The northern corridor is also expanding. I acknowledge what the member for West Swan said. Critical to all of this planning is the provision of appropriate and strategic public transport. Thankfully, it has been Labor in government that has been particularly committed to public transport. The record clearly shows our achievements in government over the past four decades. We have an electrified rail system through the northern corridor and now through to the southern suburbs and the regional city of Mandurah. Hopefully, all governments of whatever persuasion will see the value of ensuring that we continue to invest in public transport into the future. Around such development has to be appropriate nodal development. This is what particularly angered me about the member for Alfred Cove and her greenie, liberal-type attitude of putting everything everywhere else but not in her node. I remember her having a go at the member for Armadale when she was Minister for Planning and Infrastructure about the southern suburbs railway. She spat out a range of rhetoric against the minister. I wish she were here, because I would tell her a few things. She consistently attacked the southern suburbs railway but she now grizzles and groans because there is no public transport in Alfred Cove. If she were a little more open-minded and a little less bigoted, she might actually recognise—if that was unparliamentary, Madam Acting Speaker, I will withdraw it strategically! If the

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member for Alfred Cove is going to say those things, she should be here to defend her comments. This happens all the time—she waltzes in, sprays everything out and then waltzes back out again. It makes me angry, because I really want to have a go at her when she is here. She is never here when I want her to be here.

**Mr M. McGowan:** Just pretend she is.

**Mr D.A. TEMPLEMAN:** If the member for Riverton put on a wig and sat over there, I might be able to!

Members have to back up some of the stuff they say. It angers me when people do those sorts of things. They come in here, say things and then waltz out again.

There she is; there is my puppet in the member for Alfred Cove’s seat! The member for Nollamara is too nice; I could not be awful to her!

Independent members rely on Labor Party preferences to get into the place. I will have a few things to say about preferences before the next election. I would rather see Kierath or Douglas Shave sitting over there than the member for Alfred Cove, but I digress.

I will conclude my comments by talking seriously to the minister. I refer to elements in the legislation such as the development assessment panels. As the member for Nollamara rightly said, it is absolutely critical that we select for those panels appropriate people who have the expertise and the capacity to reflect on community concerns, to digest those elements and to then make determinations. At the end of the day we want to see liveable communities that provide positive experiences for people who are living in various parts of not only the metropolitan area but also regional cities, such as Mandurah, and other areas of Peel in this case. I hope I have pleaded the case for Peel. Will the minister give us the Peel regional park and the appropriate funding? Will he make sure that the local office there is provided for? Cameron Bulstrode and others are working 24 hours a day. They need more assistance because they are dealing with some very complex matters. Give them some more support and give them some more expertise. Quite frankly, I think some local governments when faced with the avalanche of growth do not have the capacity that they need to address some of these developments on a strategic level. I will watch very carefully to see what happens when this bill is implemented in terms of its real traction in my community and my area of Peel. Please ensure that other obligations, such as Ramsar and biodiversity concerns, are at the forefront of the planning consideration into the future. I will conclude my remarks there.

**MR A.P. O’GORMAN (Joondalup)** [8.41 pm]: I will not take too long. I would also like to support the Approvals and Related Reforms (No. 4) (Planning) Bill 2009, but I would like to make some comments from my perspective. I have been in the Joondalup area since 1981—the best part of 30 years. In the whole time that I have lived there I have watched bad planning continually happen. I have watched it with public transport. I have watched local governments not being able to control developers in the way they have developed subdivisions. A suburb in the city of Joondalup called Currambine was zoned R40 or R60, which is a much higher zoning than normal suburbs. They are normally R20 zoning. The suburb of Currambine was developed as R40 or R60—I cannot remember exactly what it was—and the developer at the time sold it as an R20-style subdivision. The trouble with it was the fact that the design of the subdivision did not cater for buses. To get a bus through parts of the suburb of Currambine is next to near impossible because of the design and the layout of it.

I am hoping that these development approval panels will assist in making sure that as suburbs spread out, because there will still be urban sprawl, public transport can get through the suburbs and there can be proper nodes feeding into train stations. It seems a bit ludicrous to me that at the moment we have a north–south rail line and that bus services run north–south as well. For example, a bus service runs from Whitfords train station through to Joondalup. It goes through the suburbs a little but it does not actually penetrate into those suburbs sufficiently to encourage people out of their cars and onto buses to connect with the trains. We can see the problems that we have with keeping people in vehicles all the time. I think that about two weeks ago additional parking was opened at Whitfords train station, and that is already overcrowded. I am sure that if another deck was put on top of all the parking spaces around Whitfords train station, in about two or three months’ time that would probably be full as well. That is all as a result of bad planning way back. It is not the fault of this government, the previous government or the local governments in the area; it has just been an accident of history when we have had bad planning.

The other aspect of bad planning is that we have not developed economic plans to work out how people can be employed close to where they live. The majority of train station car parks are full by 7.00 am and people battle to get on a train to get into work in the city. I have been in the area since 1981. When I moved out to Craigie, as it was then in 1981, the freeway started at Hepburn Avenue, and to get to Perth we used to come down Marmion Avenue, through Osborne Park and around by Osborne Park Hospital to get onto the freeway, and similarly

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going home. The freeway has crept up behind the sprawl all the time, but it has never kept up quite as good as it should have done. We now see severe bottlenecks every morning at Hutton Street and Osborne Park. We are now starting to see the bottlenecks move further out to Hepburn Avenue, where it eases off a bit because the freeway has been expanded to three lanes there, but there is starting to be a bottleneck all the way from Ocean Reef Road to Hepburn Avenue as early as 6.00 am.

**Mr A.P. Jacob:** It is getting worse.

**Mr A.P. O’GORMAN:** It is. I used to travel to Curtin University in 1986 when the bottlenecks were much closer to town and were at Hutton Street, but the bottlenecks were not occurring until about 7.30 am. As I said, the bottlenecks are now occurring at the Ocean Reef on-ramp at 6.00 am and probably prior to 6.00 am, and there is a similar event in the afternoon when people are going home from about 3.30 pm right up to about 7.00 pm when there is a bottleneck on that section from Hepburn Avenue right through to Ocean Reef Road.

We need to start integrating planning a lot better—I do hope that these DAPs will assist us to do that—so that we have economic growth in those areas, and we do not have to bring large numbers of people from the far northern suburbs. More than 60 per cent of the population in that area is employed in the metropolitan area or in the Perth central business district and has to travel into Perth every day. That is causing big problems. As soon as we start planning around people working close to where they live we will have greater sustainability benefits. Not as much carbon monoxide will be going into the air and the CO<sub>2</sub> that we have problems with. We will get some of the congestion off the roads. We will start to see people being more involved in their communities, because if people are leaving at 6.00 am and are not able to get home until 7.00 pm, the last thing they want to do is to go out and be involved in a parents and citizens association, footy club or anything else like that. Therefore, what we are doing is a good move.

I object quite strongly to the way in which the member for Alfred Cove and indeed the member for Fremantle have spoken here this evening. They have done their usual Independent-type stuff whereby they criticise both the government and the opposition but actually do not put up any concrete plans of their own. All they can do is knock, knock, knock and not actually put in anything substantive themselves that could assist with this problem. Perth has a growing population. The only way it can grow and we can afford to continually support that growth and get the necessary infrastructure of playing fields, schools and such out to people is to have higher density. The City of Joondalup in about 2002 or 2003 put forward a plan around the Greenwood–Kingsley area, which was called precinct planning. The problem with it was that the City of Joondalup and the planners in the city put together a plan but they did not talk to anybody. They had a concept and then went out to try to sell it. When people are doing something like that they actually have to go out and engage the community first and get people involved in the process. Once they are involved in the process and they develop the concepts themselves, there is a lot better chance that the community will accept it. That one got severely voted down. Now we are starting to see the people of the City of Joondalup again considering how to have higher density through the area. I hope that they do it better this time. I think they have learned their lesson from before. I have certainly seen some consultation documentation going out before any concept plans are done. The problem they had before is that people would say that it was their house and land and that now there would be a school or a multistorey building on it. The council in Joondalup also seems to have problems with how it actually approves developments at the moment. I know this does not apply under the DAPs, because I am getting right down to a portico on a house, but about four years ago a couple of people came to see me. They lived in identical townhouses side by side. The City of Joondalup approved a portico at the front of one gentleman’s house. The guy who lives next door to that house said, “I think that’s fantastic. It’s a great idea. Do you mind if I do the same?” He got the same plans, submitted them to the same council, and he was knocked back for planning permission. That is the way councils seem to go sometimes. The left hand does not know what the right hand is doing.

At the City of Joondalup at the moment we have developers putting up multistorey buildings. Admittedly, they are only four or five storeys. Developers continually speak to me about great problems they have trying to get through to the City of Joondalup. One developer in particular, who has built many apartment-style buildings throughout the city, says that he never knows. He can put in a plan for a building and it will take a year, and sometimes 18 months to two years, to get through. Just when he thinks he has got it down pat, he puts in a very similar plan, taking into consideration all the same things, but it will still take him 12 to 18 months, and sometimes two years, to get it through. His latest building was in the middle of the boom. He expected to sell apartments at a price of \$400 000. Because the planning process took so long, by the time he got the apartments on the market he was down about \$100 000 less, to about \$290 000. He said that he cannot sustain his business like that. He needs better coordination and planning so that he knows what he is doing. I think the member for Fremantle touched on the issue that quite often the reason there are delays in planning approvals is the developer does not put in all the plans appropriately and does not give all the correct information. I have given an example

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of a developer who knows what he is doing but the council changes the goalposts all the time. That is not good enough for sustainable development.

The other thing we have not started to address in our developments is east–west links to the freeway. In the City of Joondalup we have an ideal opportunity to run light rail from our second most popular tourist destination, Hillarys Boat Harbour, through to Greenwood train station right along Hepburn Avenue. It could even get over as far as Ellenbrook. I think Lord Street is the street that runs north–south. We could have a light rail or tram system that is a faster ferry up and down to connect with our train line and to connect into Hillarys Boat Harbour, which also has problems with parking. The problem we have with parking is no matter how much of it we build, there will never be enough. The more parking that is built, the more people come. We need to get the idea into our heads that we can use public transport, we can walk and we can cycle—most of the things I do not actually do myself but I should do. Occasionally I catch the train and occasionally I ride a bike, but I do not walk very often.

With those few comments, I support the bill. I hope that it works towards a better planning outcome for the suburbs, particularly the northern suburbs, and we start getting rid of these gluts on the freeway and these gluts on the north–south train line as well.

**MR M.P. WHITELEY (Bassendean)** [8.53 pm]: I will be fairly brief. I want to make some comments on this legislation particularly as it relates to some of the opportunities for planning in my electorate.

I begin by saying that I think the Minister for Planning has got the most important job in this place in terms of the long-term impact on Perth. Ministers for Health, Treasurers et cetera come and go. What they do is very important but all of it is fixable. If a Treasurer makes a mistake, the next Treasurer comes along and fixes things. If a mistake is made in health, there is the opportunity to fix things. But when we get long-term planning issues wrong, it has disastrous consequences for a city. When we get them right, the benefits last for generations, even hundreds of years. If one goes to a city like Amsterdam—I think it was designed 400 years ago, from memory—one can see the benefits of good design that have lasted through the centuries. Perth is a city that is in transition. Whether we get that transition right is probably the most important thing that will determine the quality of life of Perth residents, including health and economic outcomes in the long term.

When I was born in 1959, I think the population of Perth was fewer than 400 000, from memory—not that I actually counted them in 1959! I think the figure was about 380 000.

**Mr R.H. Cook:** Was that a very long time ago or just a short time ago?

**Mr M.P. WHITELEY:** Not quite; a little longer than the Deputy Leader of the Opposition!

**Mr C.J. Barnett:** It was about half a million.

**Mr M.P. WHITELEY:** I thought about 380 000. Perth has grown now to a population of about 1.6 million. We are headed towards being a city of multiple millions. It is how we handle that growth that will determine the liveability of this city. Frankly, if we leave these important planning decisions to local government, it is a recipe for disaster. Local governments lack four key things. They lack expertise. Local governments are too small to have the expertise necessary to make the big planning decisions that need to be made to properly plan a city. If local governments concentrate on their own patch, they lack the big picture coordination and scope that is needed to coordinate a city’s planning. Also, they are subject to two equally potentially destructive forces—nimby-ism and undue commercial influences. As has been spoken about by many other members, the problems of nimby-ism—the “not in my backyard” or “we don’t want any development under any circumstances”—is a recipe for disaster and will lead to a very unlivable city. The idea of piecemeal developments in response to undue commercial influence from individual developers is equally a recipe for disaster.

As the member for Nollamara pointed out, the authority that local governments have for planning is a delegated authority. It is not recognised in the Constitution. In fact, the 1988 referendum specifically rejected the recognition of local government. It was one of four referendums that were conducted at the time. I am glad we rejected it because I think constitutionalising a third level of government would have been a mistake. It would have robbed us in some way of the capacity to take back some delegated authority. I think that the nimby-ism that is so often displayed in local planning decisions is a form of environmental vandalism. Two of the greatest environmental vandals that we have in this chamber think they are champions of the environment. They probably would not like to hear this comment but I refer to the member for Fremantle and the member for Alfred Cove. Their short-sighted, no development approach is a form of environmental vandalism. If we follow their lead, we will have a city of continuing and increasing urban sprawl that is increasingly reliant on the car and increasingly unsustainable, and increasingly minimises opportunities for reliance on public transport. We could have that sort of indulgent approach. We could have that sort of mentality that we did not want things close to us when our

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population was measured in the hundreds of thousands, but that is not the case anymore. We are changing, and unless we change the way decisions are made, Perth eventually will not be a liveable city. Obviously, any decision about planning whereby people are forced to have some sort of development next to them that they do not particularly like involves a degree of political pain. In my electorate there is the issue of the Kiara TAFE site, which I note the member for Swan Hills made some comments on recently. He supported the development of the Kiara TAFE site in my local paper, the *Eastern Reporter*. I was a bit surprised to read that he made those comments. Broadly speaking, I support some development on that site. It is the sort of issue that involves a degree of political pain for the local member. Many of the residents who live close to it oppose any development and want the whole site kept as a pocket of urban bushland. The reality is that if we protect every pocket of urban bushland like that, unless it has unique characteristics, we will see ever-increasing urban sprawl. These sorts of planning decisions involve a degree of local political pain. It is incumbent on us as representatives to be prepared at times to wear that political pain. To the extent that the member for Fremantle and the member for Alfred Cove are successful politicians, it is actually their reluctance to wear some local political pain that ensures their success, and I think that that is unfortunate.

As I said earlier, we need greater capacity for centralised planning because unless we do that, Perth will inevitably resemble Los Angeles, which I think is one of the most unlivable and unwelcoming cities that I have ever visited. There is mile after mile of urban sprawl; it lacks dispersed village centres and any vibrancy as a city. We now have the opportunity to get it right. In ensuring the long-term sustainability of this city, the Minister for Planning has the most important job in the ministry. It is regrettable that after the last change of government, the planning and transport portfolios were split. It made perfect sense to integrate those two portfolios, although I understand that the workload generated through them is enormous and that it took someone like the member for Armadale to be able to pull off that dual task; it may be beyond the wits of anybody on the other side to handle those two portfolios together. Nonetheless, the member for Kalamunda probably has more talent than most on the other side and I encourage him to do the best he can and to not be too frightened to intervene.

I turn briefly to some planning issues in my own electorate, most notably the Maylands–Guildford transport-oriented development project, of which I, along with the former member for Maylands, was the joint chair. That involved looking at opportunities for transport-oriented development around eight train stations between Maylands and Guildford. Three of those stations are actually in my electorate—Ashfield, Bassendean and Success Hill. Success Hill is a minor station; it is not frequently used and not every train stops there, but the two main stations, Bassendean and Ashfield, certainly present opportunities for transport-oriented development. Obviously, when we talk about changing the suburbs in which people live, we incur some political risk, but I think that when it is explained to them, most people understand the need to have high-density living and people living within walkable distances around train stations. They can see that Perth is expanding and that if we do not consolidate the opportunities presented by these underutilised train stations, we will have an ugly, unlivable city in the long run.

I encourage the Minister for Planning to do what he can to help progress the Bassendean town centre strategy. Bassendean is a wonderful, unique community; it is a bit like a country town nestled in the city. People love living in Bassendean; they love the trees of Bassendean and they do not want to lose them or the parklands around the river.

**The ACTING SPEAKER (Ms L.L. Baker):** Members, can you keep the background noise down, please.

**Mr M.P. WHITELY:** They are very passionate about maintaining the garden feel of the suburb. Nonetheless, they are also disappointed with the lack of vibrancy and the lack of successful businesses, cafes and shops in the heart of Bassendean on Old Perth Road. Old Perth Road is frankly dead; businesses open and then close very quickly. The most successful businesses on Old Perth Road are real estate agents that recognise the long-term potential of Bassendean, second-hand stores like Good Samaritan Industries and St Vincent de Paul, and a couple of local cafes. The businesses around my electorate office on Old Perth Road, close to the Bassendean train station, simply do not last; there have been a number of businesses next door to my office. There has been an Aboriginal art gallery, a greengrocer, a shop fitter and a host of other businesses that have come and gone. Frankly, they will not be successful until we get more people living in and around the Bassendean train station. Although people in Bassendean want to protect the river and parkland environment, they also want some vibrancy on Old Perth Road.

I encourage the Minister for Planning to listen while I talk about the needs of my community, if it is not too much trouble.

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I encourage the minister to do whatever he can to progress the Bassendean town centre strategy. One of the problems we have in Bassendean is usually a strength in respect of urban redevelopment. There is a single property owner who owns a lot of property around the intersection of Guildford Road and Old Perth Road. The owner is basically land banking and getting a fairly low, albeit apparently satisfactory, level of return, and does not seem to exhibit any interest in developing those properties. That, in a sense, is holding back development. Usually, having a single owner is an advantage for development, because there is only one landholder to work with to progress the issues. That is a problem that needs to be overcome, and it is creating some frustration in the Town of Bassendean. I would like to see the minister put a lot of effort into the Bassendean town centre strategy. Bassendean has the potential to have the vibrancy of some other suburbs, such as Victoria Park and Subiaco, and it is starting to develop in Maylands. We have the same sort of potential in Bassendean. There is a high street next to a train station that is well located close to a river, with plenty of parkland. There is a fantastic opportunity to actually kick Bassendean along.

The other major train station in my electorate is Ashfield. I might just declare an interest here: I actually have a property in Ashfield that falls within the zone of the “Ashfield Precinct Plan”.

**Mr T.G. Stephens:** Is there any part of the metropolitan area where you don’t have a property?

**Mr M.P. WHITELY:** I wish!

One of the great things the Labor Party did in government was to kick off the “Ashfield Precinct Plan”, which was recognised as being the first priority of the Maylands–Guildford transport-oriented development. It was the first priority, not because I own a property there but because it is the least developed and most underutilised section of the stretch between Maylands and Guildford. Ashfield is an incredibly well located suburb; it is about eight kilometres from the central business district. It is on the riverfront with beautiful natural bushland. It has a rail line going right through the heart of it, and it has fantastic road transport links with Guildford Road and Tonkin Highway. However, it is a centre of social and economic disadvantage. It is split down the middle by the train line; on the west side of the train line, it is basically underutilised industrial land, which has potential for commercial development. It will probably never be suitable for residential development because of residual pollution issues from the old CSBP site, but there are opportunities for commercial development and higher value use. On the east side, the river side, of the rail line, there are fantastic opportunities for renewed urban development.

When we kicked off the “Ashfield Precinct Plan”, I envisaged a fairly small-scale development; I thought there might be a chance to create a bit of an urban village around the Colstoun Street shops, which are the shops just opposite the Ashfield Reserve, near the Ashfield train station. I thought there might be an opportunity to have some sort of slightly higher density development around that station, with lower densities further away from the train station and closer to the river. I was amazed by the scope of the work that was done by the consultants, who came up with a very grand vision for Ashfield. Ashfield was actually identified in the Network City program as a major opportunity for urban development. I was blown away by the scope of the proposal. My interest in Ashfield came about because some of the residents of Ashfield were expressing dismay about some of the aspects of living in Ashfield. The state government is a major stakeholder in Ashfield; 22 per cent of the properties there are Homeswest properties, which is more than double the target rate. Urban renewal and urban development will provide opportunities to dilute some of that Homeswest housing stock and to make the suburb a little more aspirational so that some of the benefits of living in an aspirational area, such as educational expectations and better facilities sustained by an increased population, can spill over to all the residents. The “Ashfield Precinct Plan” was done in a very sensible way. Initially, a draft document was prepared without public consultation.

[Member’s time extended.]

**Mr M.P. WHITELY:** I believe that if we ask the public what they want and give them a blank sheet —

**Mr R.F. Johnson** interjected

**Mr M.P. WHITELY:** The Whip took his half-hour, so I am inclined to take my half-hour as well. I probably will not spend it discussing sitcoms, but perhaps I might if I have three or four minutes left!

The “Ashfield Precinct Plan” was a good process. The wrong way to do urban planning is to start off with a blank page. We have to go to the community with an idea and ask what people think. In this case a rough, early draft was put out for community consultation. The community had the opportunity for public comment through submissions and a series of public meetings. Their comments were taken on board. The original design was redrafted and again put out for public comment and further community meetings, and a new draft was developed, which was again put out for public comment and community meetings. We came up with a final document that

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gave a plan for Ashfield. The process is not pain free. The final process, even after the final document had been put in place, was not the end of the matter either because we saw some adjustment as people were concerned about the loss of parkland next to Cyril Jackson second chance college. Many constituents of mine were reassured when the —

Several government members interjected.

**The ACTING SPEAKER (Ms L.L. Baker):** Members, the member for Bassendean has the call.

**Mr M.P. WHITELY:** We had to listen to the most inane speeches from the member for Hillarys for eight years when he was sitting on this side of the house. I am talking to the Minister for Planning about serious issues that affect my electorate. The member for Hillarys should not ever come in here and lecture members on this side about wasting the time of Parliament, because he is the biggest waste of space in this Parliament! Why does the member not button it and let me have a discussion with somebody on his front bench who has a bit of ability?

**Dr K.D. Hames:** Members on your side are pulling faces.

**Mr M.P. WHITELY:** They can pull faces all they like; it only encourages me. They should know me by now! Pulling faces at me only encourages me. Just tell me I cannot have it, and I will take it!

The process is not pain free. As I said, after the final document was put out, adjustments were made. I have to admit that I am a little frustrated that with the change of government my role on the transit-oriented development has obviously disappeared, but the member for Maylands and I are two local members who still have a keen interest in this TOD, and we would welcome the opportunity, if not being the chair people of it, of at least being involved in the process and to help steer that process in a cooperative manner. I want to commend the two local governments involved who are involved in the Maylands–Guildford TOD process. The Town of Bassendean has always been an enthusiastic supporter and has put considerable energy into it; both the previous mayor, Tina Klein, and the current mayor, John Gangell, have been enthusiastic supporters of it. The Town of Bayswater was perhaps less enthusiastic because not as many of the opportunities around Ashfield fall under its control, although perhaps with the change in the regime at the City of Bayswater and the new mayor, Terry Kenyon, who is doing a fantastic job, it may well become a more active participant.

As I said at the beginning, as a state Parliament we need not be scared to be interventionists. After all, the Constitution gives us the right and responsibility to take on this sort of role. I want to refer briefly to my old electorate. When I look at the outcomes in my old electorate, two of the areas that I was acutely aware of were Armadale and Byford. Armadale was not in my old electorate of Roleystone, but Armadale was surrounded by that electorate and was my shopping hub when I was living in Roleystone. Byford, which falls under the Shire of Serpentine–Jarrahdale, is an example of how very well-intentioned but under-resourced and underskilled local governments can get it wrong. We have seen in Byford a series of subdivisions without a centralised focus. That is a result of leaving the planning process in the hands of a shire that was, frankly, struggling because of its low rate base. It did not have the rate base to undertake the planning process properly. That was an example of how local government can get it wrong. Frankly, they responded often to the requests of developers and were enthusiastic about taking on whatever project the developer suggested. That lack of focus has seen a higgledy–piggledy approach in Byford, which means that so far it is less than it could be. Whereas, when I look at Armadale with the Armadale Redevelopment Authority—of course, it helped having the member for Armadale being the Minister for Planning and Infrastructure with responsibility for transport—it is a fantastic example of urban renewal and getting things right; that is, there is a centralised coordinated approach by which local government is not scared to pass over some of its responsibility to state government. I think that good local governments recognise their own limitations. I made reference to Bassendean, which is a very small council that was very enthusiastic about getting the involvement of state government and getting the expertise of state government on board. They invited the intervention and welcomed it.

I support the legislation. I encourage the minister, where he can, to do what I think is the most important job in the ministry very well, and, where necessary, to be as interventionist as he needs to be.

**MR T.G. STEPHENS (Pilbara)** [9.16 pm]: I will be brief —

**Mr D.A. Templeman:** That is the most overused word.

**Mr B.S. Wyatt:** Take your time, member!

**Mr T.G. STEPHENS:** I will take my time.

**Mr B.S. Wyatt:** You have 30 minutes.

**Mr T.G. STEPHENS:** I will take longer, if necessary.

**Extract from *Hansard***  
[ASSEMBLY - Tuesday, 4 May 2010]  
p2316b-2361a

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O'Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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It disappoints me from the prism of the Pilbara, and the task that I have to represent that region, that governments, including this government, still are not grabbing the challenge and the opportunity before us. This state is dependent upon the opportunities associated with the Pilbara region, yet we are constrained already within that region by a failure to adequately deliver governance around the issues of planning. These matters are caught between struggling councils and a state government that is incredibly remote by way of the planning processes here in Perth; that is, files move sluggishly between local authorities and the planning agencies, rather than government moving to deliver for this state a governance model by which planning is positioned in that region in ways that have been spoken about in reference to the metropolitan area—the previous speaker spoke of the Armadale area—with redevelopment authorities that have some of the powers that I describe, but this is the case with only some of them. It is clear in a state like Western Australia that faces many additional opportunities from accelerating resource growth, the biggest constraints to that growth will not come from fears in reference to an increased royalty regime or increased resource rental taxation; rather, it will come because of the red tape that is standing in the way of the ambitions of the resource sector and the community that I represent to be able to get on with the task of extracting vast quantities of resources that are needed for a resource-hungry world

I see communities in the Pilbara—towns such as Port Hedland, Newman, Tom Price and Paraburdoo, and small communities, as well as the adjacent big communities of Karratha and Dampier—that need a new way of doing business in reference to planning issues. My disappointment with this legislation is the fact that the Pilbara specifically is ripe for a whole new way of doing business. One could do away with metropolitan-based bureaucracies. Small local councils are struggling with their tasks. They are councils that are not equipped with cash flows because they have been stripped of the capacity for income streams by virtue of state agreements. They can scarcely keep up with the approvals process in which they are involved, yet they are not offered an alternative, despite the fact that they are begging for it. Recently a whole group of my parliamentary colleagues came to Port Hedland. Senior figures associated with the Town of Port Hedland are on record as saying to us that they had no problem at all surrendering to a bigger structure locally because the planning approvals process was simply causing delays. The Town of Port Hedland specifically had a land use master plan that was worked up by way of extensive consultations that put in place the community consensus about the way forward. But even with that land use master plan and all the consultations that were engaged in locally, a gap came between people wanting to work off that land use master plan, and they continued to find themselves caught between the process of local councils and the planning process at the state level. More than ever before in Western Australia there is a need for a region like the Pilbara to have available to it new government structures for planning. People in places like Byford and Armadale might fight to get their planning approvals processed, but in the overall scheme of things, compared with the benefits that will flow from an approvals process for development opportunities in the Pilbara, places like Byford and Armadale are of minimal consequence to the economy of the state. Compare them with officers who sit with their foot on the hose—if members like—as they slowly move files down south from the Pilbara, back up north to the Pilbara and then try to tick them off with local councils. This is not the way for Western Australia to take its place and its destiny as a successful state in the handling of the rapidly expanding opportunities on offer in that region.

My contribution to the debate is to say that I note the bill, I note the debate and I note the clauses in the bill. I note the references to the metropolitan redevelopment authorities scattered around the metropolitan area, such as Subiaco Redevelopment Authority and Midland Redevelopment Authority. For me it is like saying: so what? All the wealth and opportunities that come for doing good things in the metropolitan area are constrained unnecessarily by a complex process that can be made more simple by moving to a new model of providing regional governance in a region like the Pilbara. This bill does not do that. The house needs a bill introduced into this place that creates exactly that. The house needs a bill with local input that will provide local opportunities to people to position their import growth in the design of policy and the delivery of programs. People also need guaranteed income streams that make it possible for that sphere of government to take a lead role on issues such as planning and to get out of the way of the growth that is on offer. For me, as I look around the Pilbara, I can see all this legislation that has delivered a planning process that has put requirements on the region, but to this point those requirements have not created communities that are ultimately attractive places for an increasing number of people to come to build communities, families, lives and places where people can live as well as work. That, in my view, can happen only when there is on offer a resourced sphere of government with the power to do what those communities want to do—that is, respond to the opportunities that the demands for the resources of that region can deliver to them.

I am therefore saying to the minister nothing more than that I know there is on his side of the house at the most senior level of government—certainly in the earliest phase when the government first took over the Treasury bench—interest in exploring new ways of providing governance at regional levels. The Pilbara needs a better bill than this.

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**MR J.H.D. DAY (Kalamunda — Minister for Planning)** [9.26 pm]: — in reply: I thank members for their contribution to the debate on this bill. Their comments have been overwhelmingly constructive and I very much welcome the opposition's support for the bill. What has come through from both sides of the house in this debate is a strong appetite for reform of our planning and approval system. I think that is an acknowledgement of the fact that the state is facing major growth pressures and that we as a Parliament need to put in place a system that will be more responsive to the growth pressures that we are facing and that will also encourage responsible investment and therefore job creation and all of the opportunities that will flow from that investment in Western Australia.

To reiterate the second reading speech I gave originally, the amendments are part of a series of changes to planning, environmental, mining and other legislation that the government is progressing to ensure that we can respond to all those pressures and needs I mentioned. We are very keen to streamline and improve the planning and approvals process. I am encouraged that the Western Australian Local Government Association, following a meeting we had a couple of weeks ago, released a statement of support for the development assessment panels that are intended to be created through this legislation and for the proposed changes that the government has made regarding the specifics on how development assessment panels will operate; and in particular the thresholds applying to development assessment panels that will consider applications that are put before them. That support is therefore certainly welcome.

The reforms that we are putting in place are consistent with the state's undertakings that were given at the Council of Australian Governments level to reform our planning system, which is part of a national approach, as I mentioned previously. Some of the origins of this bill in fact go back to the 1990s, when there was an acknowledgement of the need, on a national basis, to streamline the approvals process on a range of projects.

Since the bill was introduced in November last year, further consultation has been undertaken with members of Parliament from all parties: the Labor Party, the National Party, the Greens (WA), the Liberal Party and, of course, at least one Independent. Changes have been made. A range of amendments are being put forward, and also changes regarding the proposal for development assessment panels, as I mentioned. In particular, a series of amendments, which I will be moving, deal with eight subjects overall, and I will go through those issues in just a moment, because I think it is important to have the overall purpose of those amendments on the record.

I also reiterate that in the last week of sitting of this house, in the week before last, I made a brief ministerial statement about the proposal for development assessment panels and the criteria that we intend to apply, and I also tabled a policy paper on that issue. Therefore, I refer anybody who wants more detail on development assessment panels and what is proposed to that policy paper and the BMS that I did at that time.

I will go through the specific amendments to the bill, as I said, so that there is a statement on the record in a more comprehensive manner than would be the case in the consideration in detail stage. The first issue relates to the introduction of an opt-in process regarding development assessment panels. The threshold for applications that are required to go to a panel for determination is now proposed to be raised to \$7 million on a statewide basis, with the exception of the City of Perth, where the threshold is proposed to be \$15 million. In addition, for increased flexibility, an amendment is proposed to introduce an opt-in ability for applications between \$3 million and \$7 million, or, in the case of the City of Perth, between \$10 million and \$15 million. This will allow applicants to opt in to the new process and to choose to have their application determined by the relevant development assessment panel instead of the relevant local government or the WA Planning Commission, as is the case in some examples. To facilitate the opt-in process, proposed section 171A will need to be amended to give applicants the right to choose which decision maker will determine an application that is not of a prescribed class.

The second issue relates to the removal of the ministerial call-in powers for development assessment panel applications. In response to concerns that have been expressed regarding the scope of the minister's power to call in development applications, it is proposed to delete this provision so that all applications that fall within the classes of applications to be determined by a DAP will be determined by that DAP; that is, the minister will not have the power to determine applications directly or on the recommendation of a DAP. This amendment requires the deletion of proposed division 2 of clause 46 regarding ministerial call-in powers. I make the observation that a call-in power is available within the existing Planning and Development Act for the Minister for Planning to call in an appeal that has been made to the State Administrative Tribunal in relation to a particular project. That power can be used when a project is considered to be of either state or regional significance, and it will remain, of course. It is currently being used for two projects: one in the Town of Victoria Park, which I know the member for Victoria Park has been asking some questions about, and the other in the City of Stirling.

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The third issue is that it is proposed to delete the power to direct a scheme amendment to conform with a DAP recommendation. In particular, it is proposed to amend the bill to remove the power of the minister to direct a local government to amend its scheme to conform with the recommendation of a DAP. That is in response to some of the concerns that were expressed during the consultation process, but it is, in effect, dealt with by a later amendment that I will come to.

The fourth issue is the introduction of a requirement for a direction given under section 77A for a local government to amend its scheme to be laid before Parliament. The bill currently provides for the minister to have the power to direct a local government to amend its local planning scheme to conform with the provisions of an applicable state planning policy. It is proposed to amend this clause to include a requirement that the minister lay the direction before the Parliament for the purposes of ensuring transparency in the exercise of this power. I think that is self-explanatory. It is intended to ensure that the Parliament is made aware when that power is used.

The fifth issue is the deletion of proposed section 6A regarding the nation building and jobs plan. It is proposed to delete this clause—clause 56—as it is now effectively redundant. Most of the works funded under the commonwealth's stimulus package have received approval, and those that are yet to be determined can be managed efficiently through the delegation arrangements that are currently in place.

The sixth issue is the introduction of new provisions to enable implementation of the model scheme text review. In addition to these five amendments, which have been in response to consultation on the bill, two further amendments are proposed to be included in the bill that will enable the implementation of the recommendations from the review of the model scheme text. This review was progressed by the Department of Planning in parallel to the work on developing the bill, and the proposed changes have generally received positive feedback from industry and local governments. To streamline and improve the efficiency of the implementation of local planning schemes, the model scheme text review recommended the development of regulations on local planning schemes to provide for general provisions that will apply across the state. For example, there are currently no consistent provisions that deal with the process of preparing and approving structure plans nor, indeed, any inconsistency in the definition or use of the term "structure plan". This amendment will provide an enabling power, and the detail of the provisions currently in the model scheme text to be transferred across to the general provisions will be further consulted upon prior to the general provisions coming into effect. The amendment requires a change to section 256 of the Planning and Development Act to clarify that the scope of this enabling provision extends to the proposed new regulations on local planning schemes.

The seventh issue is the revision of the enabling power for general regulations to implement model scheme text review recommendations. An additional amendment relating to the model scheme text review is an amendment to the existing section 76 of the Planning and Development Act to clarify that the existing power of the minister under that section to direct a local government to prepare a local planning scheme extends to scheme amendments. When directed under this provision, the usual process for scheme amendments will need to be followed, including all of the existing consultation processes, of course.

The eighth issue is the correction of a typographical error in the current act. This final amendment is to correct a typographical error in section 181(15)(a) of the act, which refers to "1998" instead of "1988". This was an oversight when the current act was prepared and enacted in 2005. Section 181 relates to the recovery of compensation when a reservation is reduced or revoked. The effect of the error means that the WA Planning Commission is unable to recover compensation for reduced or revoked reservations made in the 10-year period between 1988 and 1998, thereby impacting on the state's finances. The amendment involves the correction to the date only to make it consistent with the equivalent provision in the previous Town Planning and Development Act 1928.

I will briefly comment on some of the specific points that were raised by some members in debate. In particular, the member for Rockingham expressed concern about the proposed fees that would apply for applications made that would be considered by development assessment panels. The fees which are proposed and to which the member for Rockingham was referring are in fact the total fees, and the additional amounts over and above what currently applies under schedule 2 of the Planning and Development Regulations 2009 are not all that great. I will give the house some examples.

In the metropolitan area, the maximum fee that currently applies to a development to the value of \$20 million is \$29 300. The additional development assessment panel fee would be \$2 269. In the Kimberley region, the additional DAP fee would be \$6 557. Those amounts are in addition to the amount of \$29 300, which currently applies. For a development to the value of \$7 million the existing maximum fee is \$13 700, and the additional DAP fee would be \$1 874 in the metropolitan area and \$5 415 in the Kimberley region. The reason that it is

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proposed that the fees be higher in the Kimberley region and other regional parts of the state is that they will cover the additional cost of airline travel to the Kimberley and the Pilbara, as well as accommodation for two specialist members to sit on the panel. The department has consulted with the Urban Development Institute of Australia, the Housing Industry Association and the Property Council of Australia on those proposed fees, and I understand that there is general acceptance of and support for them.

I confirm that the call-in power provision is intended to be removed through one of the amendments I have referred to. I acknowledge the general support of the member for Rockingham for the composition of the panels. The member also asked how the issue of housing affordability would be addressed by this bill. In a general sense, the proposals in this bill will improve the approvals process by shortening the approvals time in some cases and increasing certainty and consistency, and that will have a beneficial impact on the cost of housing, although these aspects will take some time to flow through. The member for Rockingham also raised the issue of the time taken to obtain a building licence. This is not covered by this bill, although it is being addressed by the government separately.

The member for Alfred Cove expressed her opposition to the bill. She expressed her concerns about the proposal for the state, through the Western Australian Planning Commission and the Minister for Planning, to be able to put improvement schemes in place. I reiterate what I have explained to the member in the meetings that we have had; that is, there will be a requirement for all the consultation that currently occurs on a local planning scheme amendment to also occur on the implementation of an improvement scheme under the Planning and Development Act. Nothing in these amendments will take away from the requirement for community consultation that currently exists. Certainly, it is proposed that there be a different body—namely, the Planning Commission and the state government—to make the ultimate decision on planning arrangements for a particular area, as designated through an improvement plan, and then through an improvement scheme. A range of powers are currently available. Currently, it is the case that the Minister for Planning needs to approve and, in some cases, require modification to local planning scheme amendments. The state currently has a significant role to play in what happens to a planning scheme on a local basis, and that is intended to continue.

As a number of members have observed, the state has the responsibility, particularly with the growth pressures and a range of other issues it is facing, to take a strong role in planning arrangements and planning legislation to ensure that it is able to deal with those various pressures. The state has that responsibility and, ultimately, this state Parliament has that responsibility. I believe that what we are putting in place is a responsible measure and one that responds to the contemporary situation that the state faces with planning pressures.

**Dr J.M. Woollard:** We have to agree to disagree, minister, on the unintended consequences of this bill.

**Mr J.H.D. DAY:** That is the member's democratic right, and it is her right to represent her electorate as she sees fit. I make the point that as well as members being representatives of individual electorates, they must also have a responsibility, according to their judgement, to consider the needs of the state as a whole and the wider community in the legislation that they approve in this Parliament. The same applies to the decisions that ministers make, the issues they raise and the particular positions they take on a range of issues. Members cannot take into account only the particular concerns of some of our constituents. We need to take a wider view.

**Dr J.M. Woollard:** I have had to take into account the concerns of constituents who live in the Cottesloe and Nedlands electorates.

**Mr J.H.D. DAY:** I am very sensitive to the concerns of residents of the Cottesloe and Nedlands electorates. I can assure the member for Alfred Cove that the member for Cottesloe is well placed to take up the concerns of his residents. He does that as is necessary and that will continue to be the case.

**Mr M. McGowan:** Do they get special treatment?

**Mr J.H.D. DAY:** They might get special treatment from him as the member for Cottesloe, but they get very fair treatment from me as Minister for Planning.

**Mr E.S. Ripper:** Do they get good government from you?

**Mr J.H.D. DAY:** Absolutely, as do, I would like to think, residents of all electorates in this state.

**Mr M. McGowan:** Mine get appalling treatment from you.

**Mr J.H.D. DAY:** I do not think that is the case. The area of Rockingham has received a lot of attention under this government. The member for Rockingham has prosecuted that case in part, but certainly Hon Phil Edman, a member for South Metropolitan Region, is on our case about the Rockingham and Kwinana areas on a very regular basis.

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**Dr J.M. Woollard:** Can you provide to this house for my constituents what the height limit will be for performance-based development in Applecross and Mt Pleasant? What would the height limit be in some beautiful areas that are currently under threat because of decisions by the WAPC?

**Mr J.H.D. DAY:** The point needs to be made that this bill is not about specific planning arrangements in any particular geographical location, including the Canning Bridge area. A planning study is underway on potential development around the Canning Bridge area. The member for Alfred Cove and the member for South Perth referred to that study. There is a long way to go on the study and there will be a lot more community consultation about what will happen to that area.

This bill is not about specific height limits in any location or what may or may not happen in the Canning Bridge or Cottesloe areas or any other area. It is about putting in place good legislation to enable the state to take an appropriate role when it thinks necessary, with all the checks and balances that exist and under the scrutiny of Parliament, to move the state forward in a responsible way.

I find it interesting that the member for Alfred Cove takes up the case of, understandably, her electorate and the Applecross area in particular.

**Dr J.M. Woollard:** And Mt Pleasant.

**Mr J.H.D. DAY:** Yes, and Mt Pleasant, as well as the areas along the Perth–Fremantle train line, such as Mosman Park, Cottesloe, Claremont and Peppermint Grove. It is very interesting that the member for Alfred Cove takes up the interests of residents in those areas in particular. By implication, she is saying that it does not matter what happens in other parts of the metropolitan area, including the east metropolitan area or north metropolitan area. We can have high density in Gosnells, Armadale, Midland or Bassendean.

**Dr J.M. Woollard:** I am saying that we should give the community an opportunity to have their say. Do not destroy my area.

**Mr J.H.D. DAY:** It is important for members of Parliament to look at the metropolitan area and the state as a whole and to know that things will be done on a fair basis for all areas and not just some.

I make the point that improvement schemes are not being introduced for the purpose of increasing density in any particular area. An improvement scheme may be appropriate, for example, when a project covers a large area of land, contains a number of historical uses and zonings, has environmental constraints, contains contaminated land, or is located within more than one local government area. An improvement scheme may also be used in cases in which there is significant state investment in the site.

The member for Gosnells expressed general support for the bill and raised a particular issue about the Gosnells town centre. The member for Gosnells said one property owner is very reluctant for his land to be developed. He was making the case that the City of Gosnells should be empowered by the state to effectively compulsorily acquire that land. That is an interesting suggestion. It would be a very big step to take, but if a strong case were made, it would be something that I would be prepared to at least consider. I draw attention to sections 189 and 191 of the Planning and Development Act, which already allow limited powers of acquisition for the purposes of furthering the objectives of a local or regional planning scheme. We can perhaps discuss that issue further.

The member for Nollamara raised the same issue about the Koondoola Plaza Shopping Centre, which I am of course familiar with. One of the main problems is that the shops are strata titled and there are multiple owners. It is just about impossible to get agreement from all of them about positive action to improve that area. As the member said, \$1 million was originally allocated to that project by the previous government and was kept in place by this government. We also wanted that money to be used to upgrade the public space around that area, but it was impossible to get the agreement and cooperation of the shop owners. Similarly, if a strong case were made and the local government had the appetite to take stronger action, that is something we would consider, but I again make the point that it would be a pretty significant step for the state to take. If there were general support for that to happen without loss of value and with due compensation to the property owners, perhaps that is something we should consider further.

The member for Gosnells raised some issues about development assessment panels. He expressed concern about the ability of a DAP to override a planning scheme. A DAP will be constrained in making its decision within the bounds of current regional and local planning scheme provisions. Also, all the usual Environmental Protection Authority requirements will continue to apply. It is expected that the presence of specialist members on the panel will enhance the soundness of decisions from an environmental perspective.

The member for Fremantle expressed her concern about and opposition to the bill, largely on the basis of concerns that were expressed by the local government sector and some specific local governments about

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development assessment panels. I am sure that a lot of the comments she quoted from the local government sector were made prior to the revisions we made to the proposed arrangements for development assessment panels. As I mentioned earlier, the president of the Western Australian Local Government Association issued a media statement on 20 April in which, amongst other things, he said —

... the revisions announced by the Minister for Planning ... today were a positive first step towards achieving an efficient planning system.

He also said that —

**Amendments to proposed planning legislation were today welcomed by Local Government as they will address many of the sector's concerns about the effectiveness of the proposed Development Assessment Panels scheme.**

A lot of the concerns raised by the member for Fremantle have been addressed. I hope that will give her some comfort. Even if she does not want to support the bill in the end, I hope that she will understand that a lot of the concerns have been listened to and addressed.

The member for Nollamara also raised the issue of third party appeals. We do not propose to introduce third party appeals in this state. In fact, they generally do not exist throughout Australia. There was a similar view when the previous government was in office. We are keen to streamline the approvals process through this legislation. There is the ability for members of the community to express their views and concerns about particular approvals to their local member of Parliament and the government of the day. Those concerns are listened to. The community will be consulted about planning scheme amendments and so on. I also make the point that one of the objectives of this whole system, particularly for development assessments, is to make the decisions of local governments more transparent and accountable than at present. Putting in place development assessment panels will go a long way towards achieving the same objectives that have been asked for with third party appeals.

I refer to the comments of the member for South Perth about the Canning Bridge area. As I said to the member for Alfred Cove, there will be a lot more consultation about proposed developments in those areas.

The member for Mindarie expressed his general support for the bill. The member for West Swan said that the government needs to consider infrastructure requirements for proposed developments. I entirely agree with that. Through the Department of Planning, a lot more attention is being given to the infrastructure coordinating committee of the Western Australian Planning Commission to ensure that an infrastructure plan is in place for the state, including the metropolitan area and regional centres, so that we will be better informed and hopefully better prepared to meet those infrastructure needs. It is a major issue. It is a major funding issue for the state in ensuring that such things as waste water services, water supplies and electricity are available. The member for West Swan would be as well aware as I am of all the funding pressures on state governments in the provision of a range of services. That is one of the challenges in providing needed infrastructure.

The member for West Swan also raised specific issues about the Swan urban corridor and the Bennett Springs development, but I am not aware of the detail of those issues. I think the member said that she had written to me. If there is the ability for change and if it is well founded, it will be seriously considered. Obviously, all issues need to be weighed up.

The member for Ocean Reef made a positive and much-appreciated contribution to the debate. He expressed his strong support for the bill and I thank him for that.

The member for Bassendean expressed his general support for the bill. In fact, he argued for the state to take a strong, interventionist approach. I am very happy to take that advice as far as is possible. I think that does need to occur. The state has a strong role to play. As we were debating today, if there is a failure in the whole approvals system to ensure housing and land supply and so on, the buck obviously stops to a very large extent with the state government and the state Parliament. The member for Bassendean also raised the proposal for transport-oriented developments in the Ashfield and Bassendean areas. It is a little while since I have been briefed on where those particular proposals are at and the progress that has been made, but certainly I can say that I am very supportive of what is being considered. As the member said, the areas are not very far from the central business district. I drive through those areas on a regular basis from this place and from home. I agree that there are big opportunities in both those locations. I will follow it up to ensure that progress is being made.

**Mr M.P. Whitely:** Would it be appropriate for the member for Maylands to be involved in the steering committee?

**Extract from Hansard**  
[ASSEMBLY - Tuesday, 4 May 2010]  
p2316b-2361a

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O'Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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**Mr J.H.D. DAY:** I am not aware of any overall steering committee, but I am certainly happy for the member to be briefed.

**Mr M.P. Whitely:** There used to be a steering committee.

**Mr J.H.D. DAY:** I will get advice on where things are at the moment. I am certainly happy for the member to make any constructive input that he wants. I hope that it has not stalled too much. A lot is going on in the planning system. I agree that there are big opportunities there. I will get further information on where things are at, as I said.

I think that covers most of the issues that have been raised. Some of the other members made contributions as well, including the member for Pilbara, and there was a range of other subjects raised, some of which were relevant to the bill and some of which were not; some of the contribution of the member for Mandurah comes to mind.

**Mr D.A. Templeman** interjected.

**Mr J.H.D. DAY:** The Peel region is an area of major growth; there is no question about that. A lot of effort is going into planning in that area. There are a lot of development pressures from some landowners in the Peel region who are probably a little ahead of the game at the moment. We need to ensure that development occurs on a sequential basis and in areas that are not too distant from employment opportunities. When there will be further substantial growth in the Peel region, particularly in the more inland parts of the Peel region in the Shire of Murray, we need to ensure that employment opportunities are available and, as a number of members pointed out, that people are not having to spend too much time travelling between their home and work. They are some of the factors that have been taken into account in the way in which planning occurs in the state and therefore in the Peel region. I agree that it is an important area that does need a lot of attention and, indeed, does receive quite a lot of attention.

Once again, I thank members for their contribution and for the general support that has been expressed by most members. We will presumably have a lot more discussion during consideration in detail. I thank the officers of the Department of Planning who have been here right through this debate, and I thank my staff who have also been here and who have been listening to all this debate.

**Mr M. McGowan:** It is great entertainment.

**Mr J.H.D. DAY:** That is highly debatable, but some of it has been. Once again, I thank all members for their contribution and urge them to support the bill.

Question put and a division taken with the following result —

Ayes (51)

Mr P. Abetz  
Mr F.A. Alban  
Ms L.L. Baker  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
Mr G.M. Castrilli  
Mr V.A. Catania  
Dr E. Constable  
Mr R.H. Cook  
Mr M.J. Cowper  
Mr J.H.D. Day  
Mr J.M. Francis

Ms J.M. Freeman  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr J.N. Hyde  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr A. Krsticevic  
Mr F.M. Logan  
Mr M. McGowan

Mr W.R. Marmion  
Mr P.T. Miles  
Ms A.R. Mitchell  
Mr M.P. Murray  
Dr M.D. Nahan  
Mr A.P. O'Gorman  
Mr C.C. Porter  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mr D.T. Redman  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Ms R. Saffioti

Mr A.J. Simpson  
Mr T.G. Stephens  
Mr M.W. Sutherland  
Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Mr A.J. Waddell  
Mr T.K. Waldron  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr J.E. McGrath (*Teller*)

Noes (1)

Dr J.M. Woollard (*Teller*)

Question thus passed.

Bill read a second time.

*Pro Forma Amendments — Motion*

On motion by **Mr J.H.D. Day (Minister for Planning)**, resolved —

Mr Mark McGowan; Dr Janet Woollard; Acting Speaker; Mr Chris Tallentire; Ms Adele Carles; Mr John Quigley; Mr John McGrath; Ms Rita Saffioti; Mr Albert Jacob; Ms Janine Freeman; Mr David Templeman; Mr Tony O’Gorman; Mr Martin Whitely; Mr Tom Stephens; Mr John Day

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That the amendments to the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 listed on the notice paper standing in the name of the Minister for Planning be made pro forma.

The following amendments were agreed to pursuant to the foregoing resolution —

Clause 23.

To oppose the clause.

Clause 24.

To oppose the clause.

Clause 45.

To oppose the clause.

Clause 46.

Page 30, lines 2 to 4 — To delete the lines and substitute —

***prescribed development application*** means —

- (a) a development application of a class or kind prescribed for the purposes of subsection (2)(a); or
- (b) a development application of a class or kind prescribed for the purposes of subsection (2)(ba) in respect of which an applicant has made an election in accordance with regulations made under subsection (2)(ba)(i);

Page 30, lines 8 and 9 — To delete “prescribed under the regulations —” and substitute —

or kind prescribed for the purposes of this paragraph —

Page 30, after line 15 —To insert —

- (ba) providing that, despite any other provision of this Act or a planning instrument, if —
  - (i) an applicant for approval of development elects in accordance with the prescribed procedure to have a development application determined by a DAP; and
  - (ii) the development application is of a class or kind prescribed by the regulations for the purposes of this paragraph,  
the development application —
  - (iii) must be determined by a DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and
  - (iv) cannot be determined by a local government or the Commission;

Page 32, line 1 to page 35, line 16 — To delete the lines.

Clause 47.

To oppose the clause.

Clause 48.

To oppose the clause.

Clause 49.

To oppose the clause.

Clause 51.

To oppose the clause.

Clause 53.

Page 41, after line 29 — To insert —

- (4) The Minister must, as soon as is practicable after the order is given to the local government, cause a copy of the order to be laid before each House of Parliament or dealt with under section 268A.

New clause 55A.

Page 42, after line 11 — To insert —

**55A. Section 246 amended**

In section 246(4) delete “before, or transmitted in accordance with section 248(1) to the Clerk of, each House of Parliament.” and insert:

before each House of Parliament or dealt with under section 268A.

New clause 55B.

Page 42, after line 11 — To insert in numerical order —

**55B. Section 248 deleted**

Delete section 248.

New clause 55C.

Page 42, after line 11 — To insert in numerical order —

**55C. Section 268A inserted**

After section 267 insert:

**268A. Laying before House of Parliament that is not sitting**

(1) If section 77A(4) or 246(4) requires the Minister, as soon as is practicable, to cause a copy of an order or direction to be laid before each House of Parliament, or dealt with under this section, and —

- (a) at the commencement of the period after the day on which the order or direction is given, a House of Parliament is not sitting; and
- (b) the Minister is of the opinion that the House will not sit during the period of 14 days after the order or direction is given,

the Minister is to transmit a copy of the order or direction to the Clerk of that House.

(2) A copy of an order or direction transmitted to the Clerk of a House is to be taken to have been laid before that House.

(3) The laying of a copy of an order or direction that is regarded as having occurred under subsection (2) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

New clause 56A.

Page 43, after line 5 — To insert —

**56A. Section 4 amended**

In section 4(1) in the definition of *planning scheme* delete paragraph (a) and “and” after it and insert:

- (a) the provisions of the scheme being —
  - (i) the provisions set out in the scheme; and
  - (ii) any State planning policy that, with any modifications set out in the scheme, has effect under section 77(2)(b) as part of the scheme; and
  - (iii) any provisions that have effect under section 257B(2) as part of the scheme;

and

Clause 56.

To oppose the clause.

New clause 57A.

Page 43, after line 26 — To insert —

**57A. Section 68 amended**

In section 68(2) delete “Nothing” and insert:

Except as provided in section 257B(3), nothing

New clause 57B.

Page 43, after line 26 — To insert in numerical order —

**57B. Section 69 amended**

After section 69(2) insert:

- (3) This section applies subject to section 256 and the regulations made under it and sections 257A and 257B.

New clause 57C.

Page 43, after line 26 — To insert in numerical order —

**57C. Section 73 amended**

- (1) In section 73(1):

(a) in paragraph (b) delete “local government;” and insert:

local government.

(b) delete paragraphs (c), (d) and (e).

- (2) After section 73(1) insert:

(2A) A local planning scheme may —

(a) supplement provisions prescribed under section 256; and

(b) deal with any special circumstances or contingencies for which adequate provisions are not prescribed under section 256.

New clause 57D.

Page 43, after line 26 — To insert in numerical order —

**57D. Section 76 amended**

- (1) In section 76(1):

(a) in paragraph (a) after “local planning scheme” (each occurrence) insert:

or an amendment to a local planning scheme

(b) insert “or” after paragraph (a);

(c) in paragraph (b) delete “any scheme” and insert:

a local planning scheme or an amendment to a local planning scheme

(d) in paragraph (b) after “local planning scheme” insert:

or an amendment to a local planning scheme

(e) after “local planning scheme,” (each occurrence) insert:

or an amendment to a local planning scheme

- (2) In section 76(2):

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- (a) delete “a scheme,” and insert:
  - a local planning scheme or an amendment to a local planning scheme,
- (b) delete “the scheme,” and insert:
  - the scheme or amendment,
- (c) delete “proposed scheme” and insert:
  - proposed scheme or amendment
- (3) In section 76(3) delete “scheme” and insert:
  - local planning scheme or an amendment

Note: The heading to amended section 76 is to read:  
**Minister may order local government to prepare or adopt local planning scheme or amendment**

New clause 63A.

Page 47, after line 14 — To insert —

**63A. Section 181 amended**

In section 181(15)(a) delete “1998; or” and insert:  
1988; or

New clause 63B.

Page 47, after line 14 — To insert in numerical order —

**63B. Section 256 replaced**

Delete section 256 and insert:

**256. Provisions that operate as part of, or are required to be included in, a local planning scheme**

- (1) The Minister may make regulations prescribing provisions that deal with any or all of the following —
  - (a) carrying out the general objects of local planning schemes;
  - (b) any matter set out in Schedule 7.
- (2) Before making regulations under subsection (1) the Minister —
  - (a) must consult with the EPA and local governments; and
  - (b) may consult with any other public authority or person the Minister considers is likely to be affected by the proposed regulations; and
  - (c) must have regard to any submissions made pursuant to consultation under paragraphs (a) and (b).
- (3) Consultation under subsection (2) may be undertaken in any way and within such period as the Minister considers appropriate in the circumstances.
- (4) Unless the regulations otherwise provide, provisions prescribed under subsection (1) apply to all local planning schemes.
- (5) The regulations must designate each provision prescribed under subsection (1) as —

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- (a) a model provision, being a provision to which section 257A applies; or
  - (b) a deemed provision, being a provision to which section 257B applies.
- (6) The regulations may include provisions of a savings or transitional nature that are necessary or convenient to be made for the purpose of dealing with matters that are incidental to or consequential on the prescribing of a model provision or a deemed provision under this section.
- (7) Without limiting subsection (6), regulations made under that subsection may provide that specified model provisions or deemed provisions of a local planning scheme —
- (a) do not apply; or
  - (b) apply with specified modifications,
- to or in relation to any matter.

**257A. Effect of model provisions**

- (1) In this section —
- model provision* means a provision designated as a model provision under section 256(5)(a).
- (2) Subject to subsection (3), a local planning scheme prepared or adopted by a local government must include any model provisions that —
- (a) are prescribed by regulations in force at the time the scheme is approved under section 87; and
  - (b) apply to the scheme.
- (3) When approving a local planning scheme under section 87, the Minister may approve the exclusion from, or variation in, the scheme of a model provision.

**257B. Effect of deemed provisions**

- (1) In this section —
- deemed provision* means a provision designated as a deemed provision under section 256(5)(b).
- (2) Deemed provisions, as amended from time to time, have effect and may be enforced as part of each local planning scheme to which they apply, whether they are prescribed before or after the scheme comes into force.
- (3) If a deemed provision that has effect as part of a local planning scheme is inconsistent with another provision of the scheme, the deemed provision prevails and the other provision is to the extent of the inconsistency of no effect.
- (4) It is sufficient compliance with section 54(a), 87(3)(a), 91(1) or 92(2)(b) if a local planning scheme is published under that provision without the deemed provisions.
- (5) Each local government, in preparing a local planning scheme or a consolidation of a local planning scheme, must ensure that the scheme is consistent with any deemed provision that applies to the scheme.

New clause 63C.

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Page 47, after line 14 — To insert in numerical order —

**63C. Section 257 deleted**

Delete section 257.

New clause 63D.

Page 47, after line 14 — To insert in numerical order —

**63D. Section 258 amended**

In section 258(1):

- (a) in paragraph (d) delete “scheme; and” and insert:  
scheme.
- (b) delete paragraph (e).

Clause 63.

Page 47, after line 19 — To insert —

- (eb) regulate procedures in relation to the carrying out and enforcement of local planning schemes;

New clause 64A.

Page 47, after line 20 — To insert —

**64A. Schedule 7 amended**

After Schedule 7 clause 13(3) insert:

- (4) Requiring the preparation and approval of documents ancillary to the carrying out of a scheme.

Consideration in Detail made an order of the day for the next sitting, on motion by **Mr J.H.D. Day (Minister for Planning)**.