

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

Consideration in Detail

Clause 1: Short title —

Mr M. McGOWAN: Members on our side do not seem to have copies of the amendments that the government is moving. Perhaps we need to have them distributed. Perhaps the minister could explain. I have a copy of the member for Alfred Cove's amendments and a copy of my amendments.

The SPEAKER: Member for Rockingham, just to assist with the process, could I instruct all members that the bill they would have would have on its title page "*(As amended — proforma amendments)*", as the minister indicated last evening. Then they would have page A.

Mr M. McGOWAN: Yes, I have got page A. I think probably members have got that by now. Some members are awaiting the new bill. I think perhaps at the outset it might be worthwhile if the minister were to rise and explain to us which clauses have been amended, so that we can go through it, because it would make it easier for us to understand what is going on here.

Mr J.H.D. DAY: As Mr Speaker has indicated, a reprinted version of the bill has been made available. It incorporates all of the amendments that were standing in my name on the notice paper yesterday. The reprinted bill incorporates those amendments as if they were in the bill when it was first prepared. The amendments that have been incorporated are those listed on the notice paper yesterday and moved by me. I explained in my response to the second reading debate yesterday the purpose of those amendments overall. There are eight purposes in total. Does the member wish me to outline the overall purposes?

Mr M. McGowan: Yes, that would be good.

Mr J.H.D. DAY: They are reincorporated within the reprinted bill, which I hope members have now got and which has only just recently been made available. We will come to those particular amendments as we go through the bill clause by clause. Just to give an overview of the overall purposes, the first purpose is to delete the power to direct a scheme amendment to perform a development assessment panel recommendation. As I explained last night, we are intending to remove that ability for the Minister for Planning of the day to direct that a local planning scheme be amended according to the recommendation of the panel.

Mr M. McGowan: Which clause is that?

The SPEAKER: Effectively, member for Rockingham, we are dealing with clause 1 at the moment.

Mr J.H.D. DAY: I think it is probably easier if we deal with these particular issues as we come to them as we go through the bill.

Point of Order

Dr J.M. WOOLLARD: I think it will probably easier if the Clerk got a copy of yesterday's notice paper, because the amendments that the minister moved pro forma will all be on yesterday's notice paper, and that might just speed things up.

The SPEAKER: I will take the information on board.

Debate Resumed

Clause put and passed.

Clause 2: Commencement —

Ms J.M. FREEMAN: Clause 2 is the commencement clause. It refers to a day fixed by proclamation and on different days that may be fixed for different provisions. I suppose this goes to my concerns about so much of the development assessment panels being set by regulation and the fact that different days may be fixed for different provisions in respect of regulations. Given that the minister did not have the opportunity to answer the questions that I raised last night in my speech, I wonder whether this gives him the opportunity to speak about some of those regulations and some of the issues that I raised about the consultation provisions and the aspects of regulations, otherwise I will have to go through it clause by clause every time the bill refers to regulations.

Mr J.H.D. Day: Can you just remind me of the particular aspects you want responded to?

Ms J.M. FREEMAN: If the minister gave me a few moments, I could go back to my speech notes. I probably need to find the regulations in respect of our primary concern, but the minister talked about DAPs and how they

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are constituted, which is not in the act, and he talked about doing it by regulations and there being no consultation provisions, which is not in the act. Clearly, I will have to go through it bit by bit.

Mr J.H.D. DAY: Indeed, the member for Nollamara did raise some specific questions in the debate last night. I do now have a summary of the particular points she raised. They were in relation to the proposal for development assessment panels. As this clause indicates, different parts of the act will be able to come into effect on different days; in particular, it will probably take some time longer to finalise the regulations for development assessment panels, which relate to part 3 of this bill. We will certainly be having consultation with the local government sector, with the development sector and also with the Planning Institute of Australia about the development of those regulations, and indeed we are happy to consult with the opposition in relation to the specifics of what is contained in the regulations. However, just to go through a few specific points, all proceedings of DAPs will be made public, and there will be the ability for the panels to hold public hearings when there is a need to do so. All the decisions by DAPs will be made on planning merits. In relation to the cost of operations, local governments will be required to report on income and expenditure over a 12-month period in addition to providing data on the number of applications that are being considered. An annual report on the operation of the development assessment panels will be prepared and tabled in both houses. The financial data that is provided will be used to review the DAP fees on an annual basis. We want to ensure that the fees that are being paid adequately cover the cost of operations of DAPs; on the other hand, if the fees are higher than needed, we would want to know that and then adjust the fees downwards.

An appointment panel will be involved in the appointment of specialist members to the DAPs, with the input of the Western Australian Local Government Association, the Planning Institute of Australia and a development industry representative. This panel will make recommendations to the Minister for Planning about members of the various panels. The minister will then make recommendations to cabinet. It is also intended that the minister will not veto local government recommendations for appointment. In other words, the nominations of local government councils will not be vetoed by the minister; however, there will be a code of conduct and clearly anybody, including local government councillors, who has a conflict of interest or has previously expressed a view about a particular project would then be excluded from being on the panel.

In relation to the costs of training for DAP members, the Department of Planning will engage consultants and staff to deliver the training and will also cover the cost of venues, catering, printed material and so on. It is expected that the members undergoing training would attend in their own time. I also make the point that it is intended that members of panels, including local government representatives, when they are sitting on a panel, will be paid a fee.

Ms J.M. Freeman: When they are training, will they be requested to do that training in their own time, unpaid?

Mr J.H.D. DAY: That is the current expectation, but if that is a problem, we would revisit that.

Ms J.M. Freeman: Local government councillors, who do not get paid, will be expected to do mandatory training and will not be paid.

Mr J.H.D. DAY: The intention is now that local government councillors will be paid when they are sitting as a member of the panel. That was not originally intended in the discussion paper that was put out. Following the submissions made from the local government sector, we think it is reasonable that local government councillors will be paid the same as other members of the panel. They will be paid quite reasonably I think.

Ms J.M. Freeman: But not when they are being trained. You require them to be trained, but you are not going to pay them during that period!

Mr J.H.D. DAY: That is not the current expectation; however, if there is a long period of time involved with training, and if it is a problem, we would consider it.

Mr M. McGOWAN: I would love to hear more from the minister—seriously, I am spellbound.

Mr J.H.D. DAY: It is not recommended that the qualifications for specialist members be specified in the act, except for categories of expertise, as the regulations will allow for some degree of flexibility. The categories of expertise will be published on the record. The intention is to appoint people with professional qualifications in planning, architecture, engineering, environmental science or planning law, to name a few.

Ms J.M. Freeman: What about community urban development aspects?

Mr J.H.D. DAY: It is people who have professional training in a particular area. A professional qualification in community development may well be appropriate. We are quite open-minded about the sort of people who could be on a panel, but we certainly want to ensure that they are people who are professionally trained and able to bring professional expertise to the consideration of a particular project as appropriate.

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In relation to the question raised about quorums and voting, the intention is that a majority vote would apply, except where there is a tied vote for which the chair would have a casting vote. Generally speaking, I would expect that panels would be making decisions by consensus and through discussion, and it would be very undesirable if it became a common situation that they were having to vote on an outcome. I would expect that, generally speaking, consensus would be arrived at. However, if it did get to a situation where a vote was required, it would be based on a majority vote naturally and the chair would have a casting vote.

The secretariat responsibilities for the DAP process will be shared between the Department of Planning and the Department of Local Government. The details are yet to be finalised. These are being worked through as part of the working group with the Western Australia Local Government Association on the regulations. It is intended that there will be that working group. My advice is that the working group will be chaired by the director general of the Department of Planning, and that there will be a representative from WALGA, as I said, and also from the development sector to finalise the regulations.

Dr J.M. WOOLLARD: I apologise if I missed the minister's earlier response and he has already covered this point, but there was a bit of noise going on at the back of the chamber at the time. I assume regulations will need to accompany these changes to the act. Could the minister tell me the progress of those regulations to date?

Mr J.H.D. DAY: It is the case that regulations will need to be prepared, as I was mentioning, in relation to development assessment panels, and also in relation to the proposal regarding data collection from local governments about the number of approvals, their processing and the time taken for those approvals and so on. There will need to be regulations for those two aspects. Obviously it will take sometime to complete them and we would expect that to take probably most of the rest of this year before they are completely finalised, particularly bearing in mind the bill will also need to be considered by the Legislative Council.

Dr J.M. WOOLLARD: In effect, this bill could come into effect as early as January 2011?

Mr J.H.D. DAY: We do not have the expectation or the desire of passing a bill through Parliament, and then sitting on it and doing nothing. We intend for it to come into effect. I would certainly hope that that would, at the latest, be in 2011.

Mr M. McGOWAN: In this context, perhaps I need a little guidance. Maybe the minister can tell us which clauses have been amended? Which clauses will we be dealing with or are we required to deal with them as a matter of course as we go through this debate? I am a little unsure of how this process will work.

Mr J.H.D. DAY: The amendments I had previously on the notice paper have now been incorporated in the reprinted bill. If we go through this bill clause by clause, we will come to them, with the exception of those aspects that I had moved to be deleted from the previously printed bill. From recollection, those aspects that were being deleted related to the call-in power that was proposed for the Minister for Planning to be able to call in an application to a development assessment panel. It was intended that the minister would be able to call in an application that had been referred to a DAP where it is considered to be of state or regional significance. That power has now been removed from this bill by the amendments that I moved last night; in other words, it reduces the power of the Minister for Planning.

Mr M. McGowan: Which clause is that? I am just wondering if we will automatically deal with those, or we will deal with them at another time.

Mr J.H.D. DAY: We will automatically deal with these aspects by going through this bill clause by clause.

Mr M. McGowan: I would prefer not to go through every single clause and have to ask the minister whether something has been deleted from it, or ask whether something has been put into it. It would be far better for all of us if the minister told us which clauses they are.

Mr J.H.D. DAY: I will explain one aspect that has been deleted from the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 by the motion I moved yesterday. Clause 46 was deleted from the bill as it was previously printed. That related to the proposed call-in power for the minister to call in an application to a development assessment panel. The intended power to direct a local planning scheme amendment to conform with the recommendation of a development assessment panel has also been deleted. That was clause 45 of the bill as previously printed. That power has been removed.

Ms J.M. Freeman: Would that have been shown in the principal act as section 77B?

Mr J.H.D. DAY: Section 77B in the existing act—correct.

The other amendment that has had the effect of deleting a previously proposed clause was clause 56 of the bill as it was previously printed, which was to have been section 6A of the Planning and Development Act. That was

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the clause that proposed to exempt the Crown from a requirement to obtain approval under a regional planning scheme or applications funded under the commonwealth's nation building and jobs plan. That power has been deleted from the bill as now printed. It has been deleted because it is no longer needed. Effective delegations are in place from the WA Planning Commission for the projects under the commonwealth's nation building and jobs plan. Most of those projects are now approaching completion, so there is no need for that power to be in the bill. Those aspects have been deleted from the bill as we now have it printed; all the other amendments standing in my name on the notice paper are contained within the bill as now printed, so we will come to those.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended —

Ms J.M. FREEMAN: I am seeking some clarification. The blue bill at the back of the chamber has helped me to gain an insight into how the act will operate—I thank the minister and his advisers for that. Clause 4 amends, as I understand it, section 4 of the act by adding terms. The blue bill refers to —

responsible authority, except as provided in regulations ...

I cannot see that in the bill as now printed, or did I miss that when the minister was saying which clauses had been deleted? It refers to —

responsible authority, except as provided in regulations made under section 171A(2)(a) ...

What does this mean? I do not see it in this bill—has it been removed? Am I making sense? Clause 4(3) states —

In section 4(1) in the definition of *responsible authority*:

- (a) in paragraph (b) omit “Commission;” and insert:
Commission; and

Is that different from what appeared in the blue bill? My question really is: will the government no longer have a capacity to establish a responsible authority by regulation, and is “responsible authority” simply and purely what is defined as a responsible authority under the act as it currently stands?

Mr J.H.D. DAY: I am advised that it will be established under the act.

Ms J.M. Freeman: As it currently stands? Will there be capacity to establish a responsible authority under the regulations?

Mr M. McGowan: Just let the adviser answer—she knows more about it!

Mr J.H.D. DAY: She does indeed—I agree! This is a demonstration of the fact that planning law is extremely complicated; it is like a big black box with lots of mysterious wiring inside, but there are some experts who actually understand the intricacies!

Mr M. McGowan: You're a dentist; you should be able to get across this!

Mr J.H.D. DAY: I am getting there.

The responsible authority is determined in the act, so “responsible authority” could, in this context in relation to DAPs, mean either the local government or the development assessment panel.

Clause put and passed.

Clauses 5 to 9 put and passed.

Clause 10: Section 119 amended —

Mr C.J. TALLENTIRE: Clause 10 makes a fairly substantial change. We will be removing from the existing act the words “land within a part of the State to which a region planning scheme applies”, and, instead, simply referring to “land” when we talk about improvement plans and schemes. I am concerned about how interim development orders would fit in with this in regional planning. Regional interim development orders are particularly powerful and I have seen them used to very good effect in the shires of Carnarvon and Exmouth. The body formed to implement the interim development order, which in the case of Exmouth and Carnarvon was an amalgamation of councillors from both shires and other independent people—indeed, I was one—was called the Ningaloo Sustainable Development Committee and it was a very useful body. I am concerned that perhaps we will be interfering with the appropriate use of those RIDOs by allowing the new provisions to apply to all land across the state, therefore overriding even the powers of a body established under an interim development order.

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Mr J.H.D. DAY: This bill does not propose to make changes to interim development orders. The situation is that an interim development order can be established only when there has been a resolution of the WA Planning Commission to establish a regional planning scheme. I understand that a resolution had been passed by the Planning Commission to establish a regional planning scheme for the Exmouth area, even though it never actually ended up doing so, and therefore there was an ability to put into effect an interim development order in that area.

The bill intends to provide a greater degree of flexibility so that an improvement plan can be developed for a particular area, including when there is no intention to establish a regional planning scheme. That has been one of the constraints until this point. If there is no intention to establish a regional planning scheme in the Pilbara and Kimberley, for example, there is no ability to put in place an improvement plan or, ultimately, an improvement scheme, which is something that we want to be able to establish. That has been a constraint under the existing act and is something that we are seeking to overcome by this amendment. To summarise, there will be no effect on interim development orders.

Mr C.J. TALLENTIRE: I thank the minister for his response. He said that there will not be any effect on interim development orders, but can he confirm that there will be the potential to create those bodies and that they will be able to undertake that work?

Mr J.H.D. DAY: I can confirm that the ability to establish interim development orders will continue and that that ability can be used in appropriate cases in the future. Through this bill, we are seeking to have a greater degree of flexibility so that an improvement plan can be put into effect when there is no regional planning scheme in existence or there is no intention to create one. This bill gives a greater degree of flexibility in addition to that which has existed so far.

Ms J.M. FREEMAN: I understand that the improvement plans are somewhat akin to the East Perth Redevelopment Act and other similar acts. I want some clarification about proposed section 119(3A) and why that power cannot be exercised in any of the redevelopment areas. Why is that and why are those areas excluded?

Mr J.H.D. DAY: The member is correct to say that the intention to establish an improvement scheme is somewhat similar to the creation of a redevelopment authority. A redevelopment authority is created through a specific act of Parliament that enables an authority to take over all the planning controls for the area designated in the act or in the regulations under the act. An improvement scheme would have a similar effect but would be under the control of the Planning Commission, which reports to the Minister for Planning. Before an improvement plan or scheme is established, the minister needs to get the approval of the Governor. In other words, it must be considered by the cabinet before the decision to establish the plan or scheme is made. This will be a more flexible arrangement. It is simpler to establish an improvement scheme than it is to establish a redevelopment authority. This will allow the state to play a role and to take a lead when necessary on matters of regional or state planning significance. In order to have these powers, we need to establish an improvement scheme.

Ms J.M. FREEMAN: It is very good to have that on record. However, that did not answer my query, which is why the power does not apply to the other acts such as the East Perth Redevelopment Act and the other redevelopment areas. Is that because it is not necessary or because it is not possible? Why have those areas been left out?

Mr J.H.D. DAY: As I said earlier, the planning controls for the land that is covered by a redevelopment authority act are assumed by the redevelopment authority. It would not be satisfactory for the Planning Commission and the redevelopment authority to have control of the development of or the planning arrangements for a specific area. It needs to be one or the other. Areas that are assigned to a redevelopment authority will continue under that control rather than under the control of the Planning Commission. Both agencies report to the Minister for Planning and therefore it is possible for a degree of coordination to occur. However, it would not be satisfactory, in a legal sense, for both bodies to have decision-making powers about what happens in a certain area. There needs to be certainty and clarity. Therefore, we are not proposing that an improvement scheme would apply to any area that is under the control of a redevelopment authority. It needs to be one or the other, which is what this provision does.

Clause put and passed.

Clause 11: Part 8 Division 2 inserted —

Dr J.M. WOOLLARD: I move —

Page 7, after line 13 – To insert:

Extract from Hansard

[ASSEMBLY - Wednesday, 5 May 2010]

p2494b-2503a

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- (2) The Minister must not approve an improvement scheme or an amendment to an improvement scheme in accordance with section 87, if it allows structures 36 metres tall or higher, unless —
- (a) the improvement scheme or amendment has been laid before each house of Parliament; and
 - (b) after a period of at least 14 sitting days after that improvement scheme or amendment was laid before it, each house has passed a resolution approving it.

Yesterday the minister said in his reply to the second reading debate that these improvement schemes will not change the status quo and that consultation occurs with the local council before a modification is made to a town planning scheme. He assured the house that the Western Australian Planning Commission would also engage in consultation. There is a difference, as we all know, between consultation with a local council and consultation with a group of social engineers who work for the WAPC. When consultation occurs between a local government and the community, the community is able to strongly voice its objections and to make very clear to the councillors that if they do not support the wishes of the community, the councillors will not remain on the council but will be replaced at the next council election. That is not the case when consulting with the WAPC. The WAPC may engage in consultation with the community, but a group of people at the WAPC believe that they know best. I can speak from experience about the fact that they believe they know what is best, because they completely ignored the wishes of my community when they approved the 17-storey Raffles Hotel development at Canning Bridge. The tower was meant to be nine storeys high. Allowances were given for the fact that it was a heritage building. Even the local council said that it should be a maximum of 14 storeys but what did the WAPC say? It did not listen to the community or the council; it told people that it knew what was best for them and it approved the 17-storey development. The consultation may be there, but the community has some say and knows that it has some leverage in ensuring that local councillors listen to them and follow the wishes of the community. That is not the same with the WAPC. The WAPC will do what it wants where it wants. That is why I showed this house the plans that have been distributed to my community. This communicative WAPC did not put on the documentation it gave to the community that one of the zones marked for development in blue was performance based and could be built as high as 20 to 30 storeys. The community was not told that. The community was given a map of the area with three different height zones. Consultation with the community by local councillors is not the same as it is by the WAPC.

Mr J.E. McGRATH: I speak on the same subject spoken to by the member for Alfred Cove. As I said yesterday, I support the legislation and I support the thrust of what the government is trying to achieve here, because we face significant challenges as Perth grows in the next 20 to 30 years. Like the electorate of the member for Alfred Cove, my electorate is on one side of Canning Bridge. People in my electorate are concerned about the plan for the redevelopment of the Canning Bridge precinct. People are concerned about the proposed placement of 10-storey developments along the lower section of the area between Canning Highway and the Kwinana Freeway. As we drive down the freeway, just before we get to Canning Bridge, an on-ramp runs up a rise onto Canning Highway. It appears to me that the best planning would be to put the taller buildings at the top of the precinct, and to have the smaller buildings down lower. According to the proposed plans, there is capacity for 10-storey buildings between residents living close to the highway and those on the lower areas near the freeway. My residents, I am sure, have great faith in the minister, and they have knowledge of his great capacity and ability to handle such delicate matters.

If the minister or the WA Planning Commission decide that this part of my electorate should become part of an improvement scheme—whether this decision is made when he is called upon by the department, or whether the minister makes the decision himself—and the scheme is approved and published in the *Government Gazette*, what processes will take place and what community consultation will be available to my constituents so that they can have a say in something that is very important to them? A lot of members on the other side have said, “Well, it’s not in my backyard; throw all the high-rise into Como and South Perth and cop it.” I make the point that the redevelopments in East Perth and Subiaco were done in fairly degraded areas that were waiting to be developed. In an area such as Como, which is part of my electorate, people have paid a lot of money to buy and build townhouses and houses where they intend to spend the rest of their lives. I can understand their concern. At the same time, I understand that there will be a need for development around the station at Canning Bridge. It is a no-brainer. There will be a need for people to live closer to that transport node. We have to come up with a fix that will not disadvantage my constituents too greatly. I know that eventually these matters will probably end up in the hands of the minister. I would like the minister to give me some idea of the type of consultation that will take place; what avenues will be made available to people who live in properties inside these improvement

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schemes; and what sort of guarantees will people have from not only this minister but ministers in future governments that the proper processes will take place?

Mr J.R. QUIGLEY: I will be very interested to hear the minister's response to the member for South Perth on what the consultation process might entail. The process, however, commends itself to the chamber by its logicity. I thought the member for Alfred Cove spoke very eloquently in favour of the legislation and of this scheme when she said, "At present, local communities can pressure local councillors with the threat of throwing them out of office over planning matters and tell them that at the next election they will be out, unless they bend good planning considerations the community's way." We must remember that people join local governments to serve their communities on a voluntary basis. They are not necessarily specialists in planning matters, and when we are dealing with these special development areas, they are subject to community campaigns designed to induce the fear of the sack. This is no way to go about planning laws and to work out how to develop Perth and these special planning areas. In my view it perverts the proper process of orderly planning that allows for buildings to be developed, not for next year or the year after but for the next 30 or 40 years. Often local community members have been elected for a three-year stint, and then have a gun held at their heads in the form of a campaign against them. Voting is by postal votes in community elections, so not many votes are required to throw someone out. I will be very interested to hear from the minister whether there will be reasonable opportunity for communities to make submissions to the Planning Commission. If there is that facility to make reasonable submissions on these matters, it is far better than a system in which we lean on one or two local councillors in a ward.

This has particular application to my electorate with the development of Alkimos. It is state policy to keep the development 100 metres back from the beach. However, regulations have just passed through Parliament to allow the development to kiss the beach at Alkimos because of the particular coastal geography of a reef structure that will protect the foreshore. Development there will be as close to the ocean as it is in Cottesloe, rather than 100 metres back. Nonetheless, the community would like input to the Planning Commission. We are hopeful that the minister can give an assurance in that regard.

Dr J.M. WOOLLARD: My goodness—the Member for Mindarie says he is very pleased that people will be able to make reasonable submissions to the Western Australian Planning Commission! This bill once again highlights the fact that the opposition, when in government, refused to allow third party appeals. Now other states have third party appeals. Our State Administrative Tribunal does not allow third party appeals. The Victorian equivalent of SAT, the Victorian Civil and Administrative Tribunal, allows third party appeals. I met with the president of VCAT a couple of years ago. I asked him if third party appeals were a problem—it was a couple of years ago that I tried to encourage the opposition to adopt third party appeals. I told the president that the arguments against third party appeals were that they could be frivolous and vexatious. The president of VCAT said, "No. We deal with them. We have no problems. We think that third party appeals give the community a chance to have their voice heard. We encourage them."

I am not surprised by the member for Mindarie's comments and the fact that the opposition supports this bill. The former Labor government did not support third party appeals. The Labor Party did not support the community having a voice when it was in government, so it will not do so in opposition. I am disappointed that the government has also decided to follow along those lines and not allow third party appeals, particularly in circumstances in which such radical changes will be made to the planning process.

Last night, the Minister for Planning basically said that the government was introducing legislation with all the checks and balances. He talked about the scrutiny of Parliament. If the government is to introduce legislation with all the checks and balances and the scrutiny of Parliament, as the minister said, I would assume that the minister, having had overnight to review the proposed amendment I put on the table, will support it. I am very hopeful that when a division is called on this bill, the minister will support this amendment. The proposed amendment relates to developments higher than 36 metres or 12 storeys. It allows those planning schemes to come to Parliament.

I had discussions with the minister and his advisers. I thank the minister, and again I thank his advisers, for some very informative briefings on this bill. When we discussed the possibility of an amendment like this, the response, in my words, was that the department did not want all of these planning schemes coming back to the Parliament. One has to ask: how many planning schemes is it anticipated will be put through in the next 12 months? Again, remember that each planning scheme that goes through takes power away from the community. This is a power grab for the WAPC so that it has control, rather than local councils having control over development in the area and communities having a say in how their areas are developed. It is unacceptable.

The member for Ocean Reef was very supportive. He does not anticipate being lobbied by his constituents on planning schemes. He is quite happy to have 20 to 30-storey developments —

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Mr A.P. Jacob: I didn't say that.

Dr J.M. WOOLLARD: The suburbs I represent are beautiful, green, leafy suburbs that people have saved up for many years to live in. People have bought property in my area and now there is a plan on the table for 20 to 30-storey developments, which, if this bill is passed, the government can ram through.

Mr M. McGOWAN: I would like to hear more from the member for Alfred Cove about the leafy streets and people who have saved all their money to live there. I would like to hear more about all the decent people, as opposed to the non-decent people who live elsewhere! I would love to hear more about that.

Dr J.M. Woollard: Your words!

Mr M. McGOWAN: Seriously, when I sit down, I would like the member for Alfred Cove to explain more about the good people of Applecross and Alfred Cove. I look forward to that.

I refer to the member's proposed amendment to clause 11 to require that any scheme that has any structures of 36 metres or higher must be laid before each house of Parliament, and to provide that if, after 14 sitting days, each house has not passed a resolution approving that particular scheme, it will not be implemented. It is an extraordinary proposed amendment. I can say that once again the member for Alfred Cove will be voting on her own on this one, unless someone on the government side of the house votes with her. It is not something that we will be supporting.

As I said yesterday, the thrust behind what the member for Alfred Cove is saying is that she has some difficulty with people living one above another in some numbers. I think the world has moved on in regards to that. Our society in Western Australia has moved on in regards to that. We are not stuck in the old mindset that everyone has to have a quarter acre block and the city goes on and on forever and forever and forever and forever. On this side of the house, we do not think that Perth should become at some point in the future a Los Angeles-style spreading city—that there should be a conurbation that extends from Bunbury up to somewhere like Lancelin and out to somewhere like Midland and beyond. We do not think there should be a massive expanse of housing with the lowest density of people living within it of anywhere on the planet. We do not think that is what should be the final outcome of our city. I think that people should be given greater choices about how they want to live. The best way to provide people with greater choices about how they might want to live is to provide opportunities for high-density living. When people live in high-density living, in the Australian context—perhaps not in the context of the housing commission flats in Britain that the member might have had some experience with in growing up—it often means that that attracts employment opportunities, it attracts social opportunities and it attracts recreational and shopping opportunities; cafes and the like. That is the experience in South Perth and that is the experience on the Rockingham foreshore, which is very close to where I live. I live at Rockingham Beach. Five hundred metres down the street are six high-rises of the height the member is referring to. It is Western Australia's best beach, actually.

Mr B.S. Wyatt: Does the member often go to the beach?

Mr M. McGOWAN: As you can tell from my tan, I am regularly down at the beach!

Dr J.M. Woollard: How many storeys?

Mr M. McGOWAN: There are 10 to 12-storey buildings.

Dr J.M. Woollard: Exactly—not 30 storeys!

Mr M. McGOWAN: Because of the density of population in this area, the social life of my community compared with when I moved there 20 years ago has improved out of sight. A lot of rubbish is talked about my community, Rockingham—who would want to live there and so forth. Not only was it voted Perth's or Western Australia's best beach the other day, all of the cafes one would find in South Perth are on the Rockingham foreshore —

Mr J.E. McGrath: Which beach was the best?

Mr M. McGOWAN: Rockingham Beach.

Mr J.E. McGrath: You're kidding!

Mr M. McGOWAN: I am going to turn my attention to the member for South Perth now! He does not even have a beach! His electorate is so poor that it does not even have a beach in it.

Mr J.E. McGrath: We used to take our horses down to Rockingham Beach. It is a good place for horses to swim!

Mr Mark McGowan; Mr John Day; Dr Janet Woollard; Speaker; Ms Janine Freeman; Mr Chris Tallentire; Mr John McGrath; Mr John Quigley; Mr Andrew Waddell

Mr M. McGOWAN: All the additional facilities and social and employment opportunities that have come have often come because there is a higher density of people living in close proximity. It provides a critical mass for that. That is a good thing. In the Australian context, it has worked out well. We should provide more of those opportunities. I certainly do not think that Perth should expand forever.

Mr A.J. WADDELL: This amendment is staggering if one contemplates what it would mean to this chamber. Essentially, we would forever be approving any building built within the city. That would involve 14 days' work by both houses, and we would be sitting until 2.00 am on each of those days to get through all the planning decisions that would have to be made.

Dr J.M. Woollard: It is about a scheme, not buildings. It is about when the government introduces a scheme. Read the legislation. You don't understand it.

Mr A.J. WADDELL: I understand a number of things. I understand that this is contrary to the purpose of what we are trying to achieve through this bill; that is, to streamline the process to make it easier to get building approvals through. It is really important to people, particularly those people in my electorate. A lot of people are flocking to my electorate.

Mr B.S. Wyatt interjected.

Mr A.J. WADDELL: They do flock to my electorate. There is a lot of fly in, fly out occurring in my electorate. Therefore, the use of the word "flocking" is entirely appropriate.

Mr M. McGowan: Where do they flock from?

Mr A.J. WADDELL: They flock from everywhere. They come from hither and thither to my electorate. A lot of them come to my electorate because they are seeking lower cost housing. I suppose that is because it is a developing area. The minister would certainly know about that. No doubt he drives through my electorate on the way to his electorate.

Mr J.H.D. Day: I used to represent many of your constituents.

Mr A.J. WADDELL: Precisely. A lot of development is occurring in my electorate because it is an area in which people can still afford to buy a land and house package without mortgaging themselves, their children and their children's children, as they would have to do if they were starting out in the leafy western suburbs.

We need to ask why people are being pushed further from the city to achieve the Australian dream of owning their own home. The problem is that people have unrealistic expectations, which are much like those that I grew up with. I refer to the expectation of a quarter acre block with a massive backyard, a dog running around, an underground swimming pool and everything else that goes with it. Realistically speaking, we, as a society, can no longer afford to promise that to everybody. We need to promise them a good lifestyle whereby they can afford their own home in which to raise their children. That means we will have to adapt and move to higher density living. If we are to do that, a lot of development needs to occur. That is one of the reasons that we need to change our planning schemes.

There has been talk about the importance of being able to kick one's local representatives—the ability to threaten them with losing their position on the local council. In my time in this place I have spoken to a large number of councillors. I can honestly advise the chamber that when they are threatened with something like that, they often say, "Go for it. Please kick me off council because, frankly, it is unpaid, unrewarding work and I don't need this level of stress in my life." Threats like that do not assist in any particular way. However, investing this level of power in local government corrupts local government. It encourages developers and people like that to manipulate local councillors. We need a system that is open, transparent and treats people in the western suburbs the same way as it treats people in the eastern suburbs. Whether an approval should be granted within 30 weeks or six weeks should not come down to the issue of the nature of the local council. This bill will provide a streamlining of that process.

I do not see how having these amendments to improvement schemes placed on the table of this chamber or the other chamber will assist people. Seriously, will we expect the local residents to go on a massive campaign to start threatening and cajoling every member of Parliament to adjust their attitude so that the scheme does not go ahead? Frankly, as a member of Parliament, I do not have the time to deal with the member for Alfred Cove's constituents coming to me and complaining about proposed high-rise development. The bill provides for appeal and full scrutiny of any development that goes forward. I join the member for Rockingham in opposing this amendment.

Mr Mark McGowan; Mr John Day; Dr Janet Woollard; Speaker; Ms Janine Freeman; Mr Chris Tallentire; Mr John McGrath; Mr John Quigley; Mr Andrew Waddell

Mr J.H.D. DAY: I will be happy to hear more from the member for Alfred Cove after I have spoken. I thought it was important in the context of this debate for me to make some comments.

Firstly, I do not agree with the amendments proposed by the member for Alfred Cove. This bill is about streamlining the planning and approvals process in a responsible way. What is proposed in the amendment would unduly delay and frustrate the approvals process rather than streamline it.

In addition, improvement schemes are intended to be about much more than height in relation to what happens in a particular area. A range of other issues would need to be considered, taken into account and provided for in an improvement scheme.

I make the point in relation to the Canning Bridge precinct, which is an area of primary concern to the member for Alfred Cove and also the member for South Perth, that there has not been any thought given to putting in place an improvement scheme for that precinct. I am not saying that it would never happen, but this provision has not been put into the act for the purpose of taking over planning of that precinct. In fact, it is probably unlikely that an improvement scheme would be necessary. That is an issue for the future.

A planning study is currently underway for the Canning Bridge precinct. Some consultation has been undertaken, but there is a long way to go in respect of further changes that may occur to that precinct. Irrespective of what happens in the future, there will be the opportunity for further input from local residents. Under an improvement scheme, even if one were being used for the Canning Bridge precinct, residents would have the ability to make submissions during the advertising period, which is what exists at the moment under a local planning scheme amendment. The preparation and finalisation of an improvement scheme is subject to all the same quite drawn out provisions that currently apply to local planning scheme amendments. Residents have the opportunity to make submissions. They need to be considered seriously by the Western Australian Planning Commission, which makes a recommendation to the Minister for Planning. The minister of the day can either accept or reject a recommendation from the Planning Commission or require it to be modified following representations made to him or her.

All members in this place are subject to election, as are local government councillors. The difference is, as some members have pointed out, we are subject to less very intense local pressure than is the case with local government councillors. Last night in debate on this bill some members made the point that councillors are in a difficult position because of that situation. I am sure that a few councillors would like to be relieved of the pressure that is exerted upon them.

I reiterate that, as is currently the case, under this bill, it will be not only possible, but also a requirement for people to be able to make submissions on an amendment to a local planning scheme during the advertising process. I hope that gives some comfort to the member for South Perth and the member for Alfred Cove.

In relation to the consultation process, it would be helpful if I can table flowcharts that have been prepared by the Department of Planning on improvement plans and improvement schemes. The charts outline the extensive consultation and consideration process that needs to be gone through before an improvement scheme is agreed to. I table the document for the information of members.

[See paper 2054.]

Mr J.H.D. DAY: I could make many comments and I might do that later. I reject any assertion that the Planning Commission does not listen to people or that the Department of Planning or Planning Commission is full of, as the member for Alfred Cove said, social engineers. In fact, there are a lot of very professional people within the department and on the Planning Commission who make considered judgements and take into account a range of factors that need to be considered in balancing the competing interests and needs that the community has about land development and land use in Western Australia. It is certainly not the case, as the member for Alfred Cove suggested, that the WA Planning Commission simply does what it likes.

Dr J.M. WOOLLARD: While I know the minister is genuine —

Debate adjourned, pursuant to standing orders.