

**PLANNING AND DEVELOPMENT AMENDMENT BILL 2022**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [5.03 pm]: President, can I just check whether the Clerks will take the things from the drawer of the desk as well as the top of the desk.

**The PRESIDENT:** No, just on top.

**Hon Dr STEVE THOMAS:** We had just started discussing the tangled web that is planning. It is the old “Oh, what a tangled web we weave”, but instead of “when first we practise to deceive”, perhaps it should be “when first we practise planning”. It is a very complicated process and the demands upon it are, I always think, remarkably extreme. We talked about where I think planning needs to go. I am particularly interested in how we make the planning process better. We had just started to discuss how long-term planning has to be a greater priority. That is the reason that Hon John Day instigated the development assessment panel review system, because he recognised in the 2008–09 period that there was an issue with getting planning decisions that were both timely and appropriate. I take the view, as I do with lots of other things, that normally the best decisions are made when everybody is a little bit unhappy. Unfortunately, the planning system does not necessarily lend itself to that. It tends to pick winners and losers out of a process. A proposal is developed and either it goes ahead or it does not. As I said to Hon Dr Brad Pettitt a bit earlier, I think it is unlikely that many proposals get vocal support, while the vast majority of proposals receive vocal criticism. That has been my experience with the issue of planning, which makes it a difficult issue for members of Parliament, because obviously we have this multistage approach.

The role of local government is important, but I have always taken the position that the role of local government has to be tempered by decisions that take into account the long-term interests of the state, far more so than I think a lot of local governments are capable of considering. In fact, in some areas, local government can be problematic for long-term planning. I say this not to cast aspersions on anybody else’s area, although I think I can do that because there have been some quite interesting local government decisions of late. The latest one I note was the decision to sue the government of Western Australia for making COVID mandate rules. If a local government can get to that stage, it is an indication that perhaps the local government needs to reassess what it is doing.

**Hon Sue Ellery:** It might have been looking for a distraction.

**Hon Dr STEVE THOMAS:** Those things are possible. There are other issues that local governments sometimes look at. For example, a local government in the south west effectively wants to put in place its own water laws, so it will basically double up on what the Department of Water and Environmental Regulation’s planning is supposed to do. One of the issues in the south west is that there is a relatively high number of local governments that are not very far apart, and planning becomes a real issue when there are multiple jurisdictions. I have been there long enough to know that originally everybody wanted a recreation centre, so we have ended up with a plethora of them. Some recreation centres in the south west are five kilometres from one another. That is what happens when there is isolated planning. We went through that process with the recreation centres and we are now going through it with cultural centres. That is the new thing—everybody wants a cultural centre. They are now being built in the south west. Bunbury has had a cultural centre for decades. Margaret River built one a few years ago and now Busselton is building one right in the middle of the two. That spreads the patronage. Everybody might have gone to Bunbury originally, but that will now be spread over three locations, with them all trying to compete. That is the problem with having a very localised planning process, and that is why we should look at making sure that significant planning occurs in a more coordinated manner.

In the debate that we had two years ago, I suggested—I read out a piece from *Hansard* earlier—that we would be back within 18 months to again talk about making planning better. I think there was some agreement that planning processes needed to be improved to make sure that planning delivered outcomes for everybody. We have heard in the debate today that it is very important for the community to be heard, and I think that is true. But it is not necessarily the case that the community should have, effectively, a veto over development, and that is the debate that we have to get into. Sometimes development has to occur that a group of people at a local area are not going to like, so it does not work if there is a veto process there.

I have always been concerned that we treat the nimby effect as important but not overriding. I think nimby exists far more than Hon Dr Brad Pettitt’s “yimby”, and one day I will have to test and measure that because it is a good part of the debate. That “not in my backyard” effect is prevalent pretty much everywhere we go. It is interesting that the more isolated a region is, the less likely we are to see that effect—not universally, but generally. A small population is much more likely to embrace an industrial development than a more densely populated area. As we get a growth in population, we get economic drivers, and we get jobs. A lot of country towns out there are really struggling for industry, in particular. We do not have a good record in Australia—not this government specifically and not Western Australia specifically—for planning. We have not planned particularly well for the retention of

industry in Australia, and planning is an important part of that process. Hon Neil Thomson talked about the need for good industrial planning; he and I absolutely agree on that. The outcomes are on a one-on-one basis, and there will be room I think for a variation within that debate. But good industrial planning is as equally important as good residential planning. It needs to happen at a level at which we can get that sort of helicopter view and that has been missing. I think that drove Hon John Day when he introduced the development assessment panel system.

I do not say at any point that the DAP system has been perfect. I think there have always been issues, particularly in the operation of it, that we could make better, but I say that about everything including lots of things that I do myself with all best intent! Improvements could have been made to the DAP—the communications probably being one of the more important ones. The reality is: it is a tough process. If we give someone a job to take that helicopter view, we put them under a fair bit of pressure. Local government councillors are obviously under a fair bit of pressure, and so it is difficult for them to make decisions as they are probably closest to the people. That is why we occasionally see councils completely override the advice of the officers who have the experience to tell them what should happen. We see councils that vote unanimously to override the advice of a highly trained planner who says that this thing should happen, because the councils get lobbied very hard. Therefore, there must be a mechanism that recognises that overview, and John Day introduced the DAP system to try to do that. In doing that, we, first, have to be very careful that the system does not become corrupted and, second, back the system that has been put in place.

The good thing about what I see in this debate is that both sides of politics are showing support for the DAP system, and I know that the minister is looking at a series of amendments around that. But some support for that system to make it better will obviously be highly welcome because, again, we recognise that it is an imperfect system. We cannot set the assessment criteria to whether everybody is happy, or even the majority of people are happy. Unfortunately, that just does not work in the planning system. It has to be set to the best outcome for the future of Western Australia, having in mind future generations that have to live in the system. Ultimately, that requires a bit of muscling up. It requires a bit of courage, and I know that courage is one of those times when you say, “That was a very courageous decision, minister”, but it usually means, “Write your resignation; you are about to go out the door!” There are probably not many portfolios that require more courage than the planning portfolio, and that is probably why it was a portfolio to which Hon John Day was highly suited, because he was not flamboyant, but he was sensible, he was smart, and he was courageous. He was prepared to take decisions, and he did take decisions, as the minister, overriding the wants of some people to allow developments to occur. I did ask Hon Neil Thomson how many times this happened, and he said that there were at least two that he could recall. That is to be commended. It requires some courage to do that; it really does. It also requires an acceptance that a lot of people are going to be unhappy with you, so it probably means that it is a portfolio that lends itself to the upper house a bit—unless the member is in an electorate that has no development occurring—because it does require some courage.

Local government has an important role to play, but I absolutely understand that there are many local governments whose planning schemes are horrendously out of date, including in my patch. There are plenty of local governments that have not kept up and are only partially engaged in regional planning schemes. The Minister for Regional Development and I—the minister is absent on personal leave or urgent parliamentary business—had some great debates on this when we were both members of the place that shall not be named, because the greater Bunbury region scheme was put in place when she was the planning minister and I was the member for Capel. That was a great debate. We actually attended various community consultation areas together; not as a unit, obviously, but we were both in attendance at these things where people expressed various views. That scheme is still horrendously out of date. The region scheme is horrendously out of date, partially because town schemes are horrendously out of date. The planning system has not kept up in many cases at local and state government levels.

We add on top of that the need for it to be projected into the future. One of the issues is that we are continually trying to operate in a four-year election cycle, which is better than a three-year one, but still problematic because planning is a three-decade issue not a three-year issue. We have to get better at prioritising those future outcomes to make sure that the benefit is more focused on those people far into the future. There has to be an acceptance of increasing densities and of building higher in places. It should be strategic and targeted. We cannot be frightened by the nimby component, but we also do not have to ride roughshod all the time over local communities.

The balance is sometimes hard to reach. In terms of planning this focus, we should watch developers carefully, but they are not our enemies. A better housing policy across the board at all levels of government would be useful. We should work with development and developers to make sure there is adequate land supply, which is a bigger blockage at the moment than construction—although construction has caught up in the past 12 months and, hopefully, that will all correct itself in time. All those things are critically important in the planning portfolio.

The bill before the house today is probably a very small part of the debate that needs to be had about how we make planning better. I will give room for the minister to stand and start her reply, which she can finish in the next sitting week, but this needs to be a much bigger debate about planning. It is not right yet. I do not necessarily think this bill makes it right. A debate will have to be had over the next decade or so to try to get some level of improvement that will allow us to have confidence that we are planning for our grandchildren, so that they will have the capacity

to buy a house or an apartment so that they can retire with home ownership and some assets in the density that they prefer in the circumstances at that time, but they will also need to work in with what the community, the environment and everything else can survive. It is a complex argument. I do not expect us to fix it today, but let us see where we end up.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.18 pm] — in reply: I will begin my reply on the Planning and Development Amendment Bill 2022, but I will be able to continue it when we meet again. If members look at standing order 125A, they will see that there is provision for the ministerial response to continue beyond the allocated period.

I thank members for their contributions, though I note most of those who spoke indicated they will be opposing the bill. There was a bit of Jekyll and Hyde in some of the contributions. I appreciate the contribution that we just heard from Hon Dr Steve Thomas, who I think used his usual moderate and sensible language to set out the kind of balances that need to be made when we are dealing with a piece of legislation such as this. The Jekyll and Hyde bit is the way Hon Neil Thomson described part 17; he used various words, including “dangerous” and “flawed”. That part is actually the same as what he supported back in 2020, so if it is flawed and dangerous now, it was flawed and dangerous then.

**Hon Neil Thomson** interjected.

**Hon SUE ELLERY:** I listened to the member in silence, although I was so tempted to interrupt, but I did not. I listened to him in silence, so he can pay me the same courtesy.

Another point Hon Neil Thomson made—I wrote it down—was that the Liberal Party holds dear the development sector and that the Liberal Party would soon outline very development sector-friendly policies. I am sure the development sector is sitting on the edge of its seat, waiting for that. With that, I will reserve my comments until we come back.

Debate adjourned, pursuant to standing orders.