

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

544. Hon TJORN SIBMA to the minister representing the Minister for Planning:

I refer to the Planning and Development Amendment Bill 2020.

- (1) What logic drove the inclusion of the following legal instruments—namely, the Contaminated Sites Act 2003, Environmental Protection Act 1986, Heritage Act 2018, Swan and Canning Rivers Management Act 2006 and the Swan Valley Planning Act 1995—as enactments that will not constrain the Western Australian Planning Commission in its decision-making regarding the approval or otherwise of development applications to be categorised as significant developments?
- (2) If the aforementioned acts are the statutes that have the most common interaction with planning decisions, to what degree could their ordinary consideration otherwise be expected to deny or delay the approval of the so-called significant developments contemplated by the bill?
- (3) To what degree will the ordinary consideration of the Main Roads Act 1930 as it interacts with planning decisions similarly deny or delay the approval of the so-called significant developments contemplated by the bill?
- (4) Why was the Main Roads Act 1930 not included among those legal instruments referred to at (1)?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Minister for Planning.

- (1) The logic was that these are the acts that most regularly intersect with the Planning and Development Act 2005. The Western Australian Planning Commission will continue to give due regard to all legislation. The legislation referenced is relevant to the planning system but the application varies depending on the circumstance. For example, the Heritage Act has no relevance unless the land in question concerns a building or place on the state Register of Heritage Places. The Swan Valley Planning Act has no relevance outside the Swan Valley area. The Contaminated Sites Act relates only to sites that are contaminated.
- (2) The acts listed have their own processes and, where they apply, there can be procedural delays. Providing the commission with greater flexibility will ensure that the assessment process is efficient and responsive.
- (3)–(4) The main statute that impacts planning is not the Main Roads Act 1930 but the Local Government (Uniform Local Provisions) Regulations 1996. The Local Government (Uniform Local Provisions) Regulations 1996 were not referenced specifically because the provision in question cites only acts and not subsidiary legislation.