

Ms Alannah MacTiernan; Mr Jeremy Edwards; Mrs Cheryl Edwardes; The Acting Speaker (mr D.A. Templeman); Acting Speaker; Mr Paul Omodei; Mr Bernie Masters; Mr Terry Waldron; Mr Brendon Grylls; Mr Rod Sweetman; Mr John Bradshaw; Mr Arthur Marshall

PLANNING AND DEVELOPMENT BILL 2004
PLANNING AND DEVELOPMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL
2004
METROPOLITAN REGION IMPROVEMENT TAX AMENDMENT BILL 2004

Cognate Debate

On motion by Ms A.J. MacTiernan (Minister for Planning and Infrastructure), resolved -

That leave be granted for the Planning and Development Bill 2004, the Planning and Development (Consequential and Transitional Provisions) Bill 2004 and the Metropolitan Region Improvement Tax Amendment Bill 2004 to be considered cognately, and for the Planning and Development Bill 2004 to be the principal Bill.

Second Reading - Cognate Debate

Resumed from 30 June.

MR J.P.D. EDWARDS (Greenough) [5.16 pm]: I rise to speak to the Planning and Development Bill 2004. I understand that the purpose of this Bill is to consolidate the Town Planning and Development Act 1928, the Metropolitan Region Town Planning Scheme Act 1959 and the Western Australian Planning Commission Act 1985. As the minister just said, the Planning and Development (Consequential and Transitional Provisions) Bill 2004 and the Metropolitan Region Improvement Tax Amendment Bill 2004 will be included as part of a cognate debate.

Prior to the 2001 election, the previous Government recognised that the streamlining and consolidation of planning legislation was well overdue. In fact, I understand that the previous coalition Government commenced work on the matter and had a Green Bill in place in November 2000.

There is no doubt that there is extensive support for an update of the current planning legislation. A number of organisations, associations and individuals have commented on the Government's Green Bill, which was released in April 2004. Some of those have included the Urban Development Institute of Australia, the Western Australian Local Government Association, the Housing Industry Association, the Property Council of Australia and individual councils. The Opposition will not oppose this Bill. However, although there is general recognition of the proposed changes, some concerns and objections have been raised. I will read part of one submission to outline, in very general terms, some of those concerns. The document reads -

The proposed legislation appears to be primarily a consolidation of existing legislation, updated to include reference to such matters as limited third party right of appeal and sustainability - commendable and worthwhile. However, it is disappointing that after so many years of effort there is not more to show.

The proponents of the legislation have chosen to retain the requirement for numerous time-consuming region scheme amendments compromising minute changes of detail to maps. With respect to the definition of minor amendment, which has been abused in the past, this is left "in the opinion of the Commission" (cl. 61). The present unsatisfactory relationship between the planning and environmental protection legislation is left unresolved. There is no attempt to rationalize developer contributions, which remain available only to the Water Corporation under its act, rather than to wider legitimate demands, including those of local government, under a Planning and Development Act.

Ms A.J. MacTiernan: Who is that from?

Mr J.P.D. EDWARDS: It was written by a planner from the Local Government Planners Association.

Ms A.J. MacTiernan: Sorry, can you tell me who it actually was?

Mr J.P.D. EDWARDS: No, there is no name on it.

Ms A.J. MacTiernan: An unidentified planner?

Mr J.P.D. EDWARDS: Just a planner, yes. It is a comment that was sent to me. I am aware that this is a second reading debate, so I will cover a broad cross-section of aspects of the Bill. The specifics will obviously come out in consideration in detail. I am aware that the minister has agreed to consideration in detail being referred to a Legislation Committee to address the finer points of the Bill. Obviously, the Opposition will utilise that opportunity to raise those issues. Through you, Mr Acting Speaker, I also understand that the minister will bring

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in other amendments under a pro forma amendment motion, which I believe will be moved at a later stage of today's sitting.

I will read the six subheadings in the minister's second reading speech to remind us of some of the reasons that the minister has brought this Bill into the House. Although I will not read every single word of them, I will perhaps read a couple of them in full. The first is reduced complexity and more accessible legislation by the consolidation of the legislation into one Act written in plain English, which is simpler to understand and more accessible to users. I will be slightly frivolous at this stage. If anybody can tell me that this Act is written in plainer English than the existing legislation, I will go hang, because I must admit that I believe a person needs to be a lawyer and one or two other things to be able to understand it. The second subheading is greater efficiencies in achieving government policy objectives by strengthening the effectiveness of planning policy. The third is the promotion of sustainability by including sustainable land use and development as a fundamental and underlying purpose of the planning legislation. That word "sustainability" is floated around in many aspects of our everyday life nowadays. I am interested in exactly what definition of sustainability is used in this instance, and I will raise that in consideration in detail. I have no doubt that the minister will have an answer. The fourth subheading is the streamlining of planning procedures. The fifth is the provision of greater certainty and consistency in the planning system, and the sixth is the provision of equity and fairness. They are all very noble and good statements. The minister has obviously worked very hard to try to put those in place. As I said, there are some queries about those matters.

I believe it is important to perhaps get some perspective of the changes being made through this Bill. To do that, in my opinion it is necessary to go into Western Australia's planning history. It might sound like I am trying to bore the House with some historical content; however, I believe it is necessary, and, as I said earlier, it will perhaps give more of a perspective of where we are today with our planning schemes and how we use them. The development of Western Australia's urban and regional areas basically had its origins in the British planning regulations that were provided to Lieutenant Governor James Stirling prior to his departure from the United Kingdom for the Swan River Colony. On his arrival, he and his Surveyor General, Captain John Septimus Roe, set out to carry out the instructions that they had been given in the UK to lay out the foundations of the new settlement.

In complying with the Colonial Secretary's requirements that care must be taken to proceed upon a regular plan, the site selected for the colony's seat of government was surveyed. This plan, based on a rectangular grid, laid out the first streets of Perth and identified spaces for civic buildings and private residences. The shaping of the colony's settlement patterns continued when Stirling and Roe identified other areas for town sites. The purpose behind the planning for the earliest areas of settlement at Perth, Fremantle and Guildford in those days was to maximise defence and agricultural opportunities for the new colony. Within the first decade of the colony, 11 town sites had been declared: Augusta, Beverley, Clarence, Fremantle, Guildford, Northam, Pinjarra, Perth, Toodyay and York. With the exception of Mr Thomas Peel's failed private land venture at Clarence, those town sites remain to this day. The first printed town plan for Perth is dated 1833 and extends from its western boundary of Milligan Street, which I gather was then called Melbourne Road, to Victoria Avenue in the east, and from the southern boundary of the Swan River to Newcastle Street at the northern edge. Compared with our city today, it was a pretty small town. One can understand why it was so small in 1833. The second and more readily known town plan for Perth is dated 1838 and shows an extended road grid. It also identifies the lakes and swamps immediately north of the Perth settlement. I guess that would be Lake Monger and others.

Ms A.J. MacTiernan: Third Swamp.

Mr J.P.D. EDWARDS: Certainly. Many years later, Perth's town clerk, Mr W.E. Bold - history tells me that Bold Park was named after him - deplored the fact that the early planning for Perth had not taken advantage of these lakes for both ornamentation and recreation to create a garden city. The next town plan drawn by Surveyor General Roe in 1845 depicts the sweep of the river and denotes Claisebrook as a small creek in East Perth. References on this map show plans for a mulberry plantation, a silkworm factory, public gardens and an abattoir. That is slightly different from what is there today. In 1877, the town plan revealed for the first time the pensioners' barracks at the western end of St Georges Terrace, the arch of which remains today. All these early town plans failed to take full advantage of Perth's riverfront situation. After 175 years of settlement, we still have not fully addressed that issue.

Ms A.J. MacTiernan: Until our Government.

Mr J.P.D. EDWARDS: Some people would argue with that. Successive Governments have not addressed it well. We were talking about the belltower earlier. There has been some growth there. A very good little business operation has built up around it.

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The control of development and land use became increasingly important at the turn of the twentieth century, as the population of Western Australia ballooned. It was an era in which suburbs expanded and new areas were developed. Scores of new buildings sprang up in both Perth and regional centres to accommodate the needs of an economy fattened by the gold boom. It was a time when the Western Australian Government's then Public Works Department carried an enormous workload. This department was responsible for the planning and construction of places such as the Perth Museum, the public library, the old Observatory, the Royal Mint, courthouses, police stations, post offices, railway stations and schools across the State. Many of these places have become architectural icons of our built environment. However, over many years many were demolished, sadly in the name of progress. One pertinent building in Geraldton was the sandstone post office, which stood for many years but was destroyed about 20 years ago. Geraldton has been poorer for that. Other historic buildings around Perth have gone that way.

The early decades of the twentieth century saw a progression of spontaneous settlement patterns that gave way to planned orderly growth, or so it was called. Successive Governments encouraged the settlement of agricultural areas to support the inflated population. New towns were gazetted and the State's rail network was expanded. Sites were allocated for government infrastructure and these areas created a nucleus for growth and the basis of streetscapes for the new towns. In the meantime, a 1911 joint committee comprising the Perth City Council, the councils of Leederville, North Perth and Subiaco, and the Perth Roads Board developed a planning scheme for Perth and adjacent suburbs. The town clerk at that time, Mr W.E. Bold, promoted this amalgamation of interests as a means to achieve a coordinated planning control of the area. He is reported to have expressed the opinion that it was of the highest importance that the metropolitan area be planned out in these comparatively early years of its history along lines that would meet the needs of future generations and save future useless expenditure. I wonder whether Mr Bold would still be of that opinion today. In 1913 the City of Perth absorbed the municipalities of Leederville and North Perth, and in 1917 it absorbed Victoria Park, through successive amalgamations. In addition, the City of Perth purchased a substantial area of land from Mr Perry, so that the city's boundaries would extend to the university endowment lands on the coast. During this period of amalgamations and land procurement, the town clerk, Mr Bold, was sent on a study tour of America and Europe, to investigate town planning conditions with a view to applying solutions to Perth's anticipated future growth needs. The outcome of his investigations was the presentation of a very comprehensive report that covered a wide range of municipal management and planning issues. This report was the catalyst for the new town planning legislation. Bold was the author of the original draft Bill.

Ms A.J. MacTiernan: What year was that?

Mr J.P.D. EDWARDS: It would have been after 1917. Unfortunately, I do not have a date for it, but it would have been in the early part of the twentieth century.

The pressures brought about by the rapid growth in the metropolitan area after the gold boom attracted the attention of the State's political and civic leaders, giving urban reform the priority required to find solutions to Perth's land use and control problems. However, this recognition followed a long struggle to convince legislators of the importance of adopting a planning system that demonstrated the best practices of that era. I note that it took 13 years for the legislators to approve that Bill, following its initial introduction to Parliament. It is pleasing that we seem to have sped up the process of legislative reform over the past century.

Ms A.J. MacTiernan: Not by much.

Mr J.P.D. EDWARDS: Not a lot, but to some degree.

I have now moved on to 1928. The Town Planning and Development Act 1928 provided for specific planning controls at the local metropolitan level, in addition to general subdivision controls that could be applied across the State. These statutory controls, I understand, were based on Canadian legislation, and the result has been described by academics as one of the first and most thorough pieces of planning legislation in Australia. Its effectiveness as a statute is demonstrated by its duration through most of the twentieth century. Following the Town Planning and Development Act, the Metropolitan Town Planning Commission was created by an Act of Parliament, so that legislated rules begin to be brought in. This commission was established to inquire into and report on urban development conditions and tendencies, with a view to better guidance and control of such development and other varying broad and more detailed matters related to it. The Metropolitan Town Planning Commission was chaired by Harold Boas, who will be remembered as a well-respected Perth city councillor and architect. The report prepared by the commission included transport as a key planning issue, and proposed a new system of major roads, including the suggestion of a bridge over the Narrows. Perhaps in hindsight, it would have been better for that suggestion not to have been there, given that a freeway now runs along the riverside, but, as it happened, it went in. Even as early as this report of 1930, planners recognised the impact that future growth would have on our urban environment. The report included recommendations that a system of

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parkway belts and reserves should be devised. With that in mind, the former coalition Government produced a Bushplan program which was aimed at protecting remnants of the natural environment. The success of that program has had its ups and downs; however, I believe the principle was right. There has been a growing recognition of the need for long-term strategic planning throughout most of the State's planning history.

Ms A.J. MacTiernan: Other than by the Leader of the Opposition.

Mr J.P.D. EDWARDS: I think the Leader of the Opposition would have as much if not more vision than the minister has.

Since the early twentieth century we have recognised the need for planning mechanisms in creating a vision for the future. However, the implementation of the recommendations in the former metropolitan town planning commission's report did not seem to gain much impetus. By the 1930s the Depression had curtailed the State's expansion, leaving the Government-run sustenance programs to concentrate on major projects, such as the construction of roads, the drainage of agricultural land and the development of dams, which I guess were pretty important. By the time of the Second World War, the potential for acting on the recommendations had been somewhat stifled. However, in 1952 the focus on metropolitan planning was again revived following a commission of inquiry into the Town Planning and Development Act 1928. This commission's findings recognised the need for regional planning as well as preparation for anticipated growth in the metropolitan area. At that time Professor Gordon Stephenson of the University of Liverpool was invited to Perth to prepare a metropolitan plan for the future growth of Perth and Fremantle. At the same time, Mr Alastair Hepburn was appointed Town Planning Commissioner. Stephenson and Hepburn worked together on a vision for the metropolitan area and the well-recognised 1955 plan for the metropolitan region of Perth and Fremantle was published. This 1955 plan had a significant impact on factors influencing growth in the metropolitan region. It also set aside regional open space, as well as recognising the importance of reserving river and ocean foreshores. Following the 1955 plan was the concept of a corridor plan for Perth, which was released in 1970. This concept aimed to provide a framework for urban growth to allow for controlled expansion along corridors from the Perth metropolitan area. Efficient public transport routes were included along the spines of the proposed corridors to allow communities easy access to places of work and recreation. Neither the Stephenson-Hepburn plan nor the corridor plan has statutory authority per se; however, the proposals and recommendations contained in them were implemented through progressive amendments to the metropolitan region scheme, a process with which we are familiar many decades later.

The growth of urban and regional areas and the consequential needs of the community in what is now a vastly different world have resulted in the need to update the intent and purposes of Western Australia's planning legislation. We must now not only reflect those changes in our ever-expanding urban populations but also plan more effectively for future growth across the State.

Hon Richard Lewis, MLA, a former shadow Minister for Planning - am I correct in saying that, or was he actually a minister?

Mrs C.L. Edwardes: Yes, and a good minister, too.

Mr J.P.D. EDWARDS: He was also a Minister for Planning. I believe in 1991 he was a shadow minister but he went on to become a minister. Richard Lewis authored a discussion paper in 1991 titled "Where are our children going to live and work?" In that paper, he acknowledged that the existing planning and development legislation had stood the test of time and had served the State well. He recognised the need for the refinement and integration of various Acts; that recognition, therefore, existed in 1991. An extract from that document reads -

What is sometimes forgotten is that Town Planning is the skill in balancing societies needs of sustainable amenity and legitimate environmental consideration, against important economic and commercial factors.

Emotion and "flavour of the year" issues, no matter how sincerely founded, should not be given preferred status in the planning process.

In the normal course planning decisions should be made on the basis of sound planning principles that should prevail until zoning is effected, after which commercial/economic forces start to dominate.

In that regard, whether it is accepted or not the predication of land use commonly referred to as Town Planning is about money. The colouring of a plan grants huge gains to some and/or speculative losses to others.

If not for that reason alone, there must be relative permanency of security in the process for the public to know and owners be able to confidently proceed to use the land for the purpose for which it has been zoned.

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Even back in 1991, the Liberal Party accepted that urban consolidation would need to be addressed. However, unlike the heavy-handed approach that some people seem to think the current Government has taken with this Bill, the proposal was that the actual allocation of densities be the responsibility of local authorities, and I will come to that. This would ensure a grassroots -

Ms A.J. MacTiernan: You don't have a clue what you're talking about. What in this Bill talks about densities?

Mr J.P.D. EDWARDS: I will raise the issue of densities and some of the comments made by the minister to the media, which can be incorporated quite easily into my speech. If the minister will bear with me and give me the courtesy of being able to put my point, she will understand what I am coming to.

Such a policy would ensure a grassroots approach rather than that which would be equated to control, as has been proposed in this Bill, by giving statutory authority to what, up until now, have been state planning policies; that is, policies, not statutes. As I understand it, this proposed legislation will enable state planning policies to automatically amend local planning schemes, and I see this as perhaps undermining the primacy of town planning schemes and the local government as a decision-making authority. I understand that this proposed use of state planning policies is unprecedented; therefore, I will be interested in the minister's comments on that.

The Western Australian Local Government Association is particularly concerned that the proposal to enable the Western Australian Planning Commission to make SPPs that could amend the local planning scheme and/or require development applications to be determined by the WAPC is not sufficiently constrained. Again, I am therefore opposed to this proposition unless the circumstance in which the State can make a statutory SPP is sufficiently defined, and the affected local governments agree to its making.

Legislation currently provides that an SPP is to be directed primarily towards broad general planning and facilitating the coordination of planning throughout the State by local governments. Although the phrase "broad general planning" appropriately limits the matters on which an ordinary SPP may be made, the matters on which a statutory SPP may be made should be further limited. The power to make a statutory SPP should be limited to matters of state or regional significance. However, state or regional significance is again not sufficiently limiting as it is open to numerous and broad interpretations. The power to make statutory SPPs should be limited to circumstances in which the local governments affected by the SPP agree to the making of a statutory SPP and the content therein. This would realise the potential efficiencies of a statutory SPP concept, and it would also address concerns regarding the erosion of local government responsibility for local planning matters.

Ms A.J. MacTiernan: Can you repeat that again? What is your suggestion?

Mr J.P.D. EDWARDS: I will repeat what I have just said. The power to make statutory state planning policies should be limited to circumstances in which the local government affected by the SPP agrees to the making of a statutory SPP and the content therein. Local government has a problem with this. This would realise the potential efficiencies of a statutory SPP concept, and would address concerns regarding the erosion of local government responsibility for local planning matters. A local government would be taken to agree to the making of a statutory SPP where the local government itself agrees to the making of a statutory SPP; the Western Australian Local Government Association, as the peak representative body for local government, agrees to the making of a statutory SPP; or, in the case where there are a number of affected local governments and some, but not all, agree to the making of a statutory SPP, WALGA agrees to the making of a statutory SPP. Furthermore, the suggestion that WALGA is putting forward is that the Governor approve only the SPP as finalised by the Western Australian Planning Commission and as agreed to by the affected local government or WALGA.

I believe the proposed legislation, as it currently stands, disadvantages local government. Given my background, I may have some views to express on that. I believe the disadvantages arise from changing the status of state planning policies from policy guidelines to having statutory force.

Ms A.J. MacTiernan: They have a sort of statutory force at the moment, but we will change that provision.

Mr J.P.D. EDWARDS: Perhaps during the consideration in detail stage I shall bring that forward. If the change is carried through, they can no longer be called policies because of their statutory power. There is widespread disagreement with this proposed change to override local schemes. Such an intrusion on local government's planning competencies is oppressive and removes the autonomy of local government. I think the minister has the message that I am trying to put across.

Ms A.J. MacTiernan: Do you intend to comment on our decision to reverse Richard Lewis's section 20?

Mr J.P.D. EDWARDS: I may well do so when we consider the Bill in detail. I will not take questions, but if there are comments the minister wishes to make, I am happy to hear them. SPPs should not have statutory force

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but should be given due regard in the review process for local planning schemes. I hope that the minister will address that issue.

Many people raised with me the question of the consultation period. The consolidation of the existing legislation into a single Act is commendable and worthwhile. It has been years in the making, but many associations and bodies were critical of the four weeks only, I think, in which they had to review the Green Bill and come to grips with the implications of the potential legislative changes. As I said earlier, the Bill is complicated at best. With all the best intentions of trying to put it into understandable English, it needs people with expertise to understand its content. I believe that many associations and bodies believed that they were under pressure to come up with comments on the Green Bill.

Ms A.J. MacTiernan: You know that we went through processes and processes before that.

Mr J.P.D. EDWARDS: The message I was given is that people did not believe they had enough time to make submissions. Maybe the consultation could have been better carried out.

Ms A.J. MacTiernan: It is far more extensive than anything your Government did.

Mr P.D. Omodei: Why don't you keep quiet.

The ACTING SPEAKER (Mr A.J. Dean): Order, members!

Mr J.P.D. EDWARDS: That has no bearing on my position. I was not in the previous Government. That does not really help.

Clause 161 is another issue that has been raised with me. Clause 161 deems as approved subdivision works under local planning schemes that are shown on the plan of subdivision or are required to be carried out as a condition of subdivision approval. I will be raising these matters later, but I thought I would mention them in my speech. There are concerns that clause 161 allows insufficient oversight by local government of subdivision works such as landscaping, plans, retaining walls, entry statements and water features. Through its submission, the Western Australian Local Government Association sought a power to enable the Western Australian Planning Commission, where requested by the local government, to exempt certain works shown on the plan of subdivision for the commission's approval. That would mean a developer would require from local government a separate development approval for those types of works.

I will not go through each clause of the Bill because we would be here until midnight and I do not have the time. However, I raise some of the pertinent issues raised with me by various associations and bodies. Another issue that was raised with me was the membership of the commission. Although there was no objection to broadening the composition of the commission, it is very important that an appropriate balance is ensured. I argue whether that is the case under this Bill. The addition to the board of directors general from the Department of Industry and Resources and the Department of Housing and Works has meant the removal of local government experience. I think it is proposed that local government representation will be decreased and two members of government organisations will come on board. From a community perspective, local government representation and experience in planning issues is vitally important. Having said that, I understand that local government will be represented on the commission. However, the Bill ensures - I say this with respect to government bureaucrats - that a majority of representatives holding ex officio positions can be expected to toe the government line. Of course the other members of the commission will be either nominated or approved by the minister. I ask the minister: where is the possibility for dissent, if there is any?

The proposed membership of the commission does not include community and conservation agencies. I guess that in that case it does not fit a balanced sustainability - if I can use that word - agenda. I guess we can debate the word "sustainability" later on. My understanding of it might be different from that of the minister.

Membership of the regional and district planning committees should reflect the significance of local government experience. The changes proposed in this Bill will reduce local rights and move further down the path of local government being merely an instrument to implement state government policy. There is a very strong feeling about that. With regard to the local government representatives on the commission - I think there are two - I suggest that one should be a rural member and the other should be a metropolitan member. I am interested to know whether the minister has considered that. Local government is very much an integral component within the planning process and is probably one of the most important components of the planning process. With that in mind, local government should be reflected in the membership of the commission and in the number of representatives it has on the committees. The statutory planning committee also should have two members who represent a rural and a metropolitan local government. The minister might be considering that. I suggest that the minister should have another look at the make up of those committees and try to have a slightly more balanced level of representation than is currently proposed.

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I have basically concluded my remarks on the Planning and Development Bill. However, I want to cover a couple of other areas that I think go hand in hand with the Bill. I said earlier that one must be a Philadelphia lawyer to understand planning legislation. It has been said that our town planning legislation is second in complexity only to income tax legislation. That might be true. Hopefully the amalgamation of the separate pieces of planning law into a single statute will go part way to reducing some confusion.

I again refer to state planning policies. Let us not make matters worse in the planning Bill by giving such legal force to SPPs as may cause them to conflict with and override local schemes or increase the composition of statutory committees to such an extent that they become unbalanced and cumbersome. Although there is always a wish for Government to have as much control as possible, it lies within the hands of the minister of the day. If the minister, acting under statutory authority, wished to be dictatorial about planning issues, then that might present some dangers and be seen as a power grab and a form of social engineering to put in place plans that perhaps did not suit the community.

Ms A.J. MacTiernan: Or reds under the bed.

Mr J.P.D. EDWARDS: No. I am not advocating reds under the bed at all. I am just throwing that in as a caution.

The Bill raises some issues with regard to compensation. I will not go into those issues now, because we can perhaps deal with them during the consideration in detail stage. I am aware, as would be the minister, that the issue of property owners' rights is currently very fashionable and very much on the agenda for many Western Australians. Today there was a demonstration on the steps of Parliament House by some people from the Bunbury and Capel area who are very distressed and concerned about the Bunbury regional scheme. So far as I can see, this Bill does not address the concerns of those people. Perhaps property rights should be given more thought in the planning portfolio, and I will certainly be raising that issue as part of this debate.

Ms A.J. MacTiernan: We would love to hear you suggest something constructive. All we have heard so far from your side is waffle.

Mr J.P.D. EDWARDS: I am aware of what the minister has said. I have heard it and I have read it.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr J.P.D. EDWARDS: I am right, thank you, Mr Acting Speaker.

In relation to planning and property rights, I refer to page 174 of the "Report of the Standing Committee on Public Administration and Finance in Relation to The Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia", and to paragraph 4.273 under the heading "Long Term Land Acquisition Programs for Planned Industrial Areas". I know that we are talking about planned industrial areas, but to some degree it also relates to landholders and landowners. It states -

Concern was expressed to the Committee that a great deal of uncertainty is caused, which affects land values and land uses, when a private company is granted a statutory right to request the Government to acquire privately-owned land for the company as required for the company's operations:

The report then gives the following example, which I use as an example, nothing more -

"By way of example land surrounding the Alcoa red mud pits at Anketell south of Fremantle is the subject of a right of compulsory acquisition should the Company require to expand. Nowhere are the provisions of the Act giving this right set out or notified to landowners in the affected radius around the Alcoa site. The landowner is left in a catch 22 with no confidence in developing his land in the face of the uncertainty surrounding the future acquisition of the land . . ."

That sums up the concerns and distress that these people are caused. I am not laying any blame. I am just raising this issue, if the minister is prepared to listen to me, as an issue that needs to be addressed. The minister may have an opportunity through her planning Bill to address this issue. I am interested to hear whether the minister has any thoughts on whether this matter could be included within the planning Bill. Unlike some of my colleagues, I am not a particularly political animal. I am not trying to score points. I am genuinely trying to find a solution to an issue that is affecting a lot of people. The minister happens to be the person who is in the hot seat at the moment, so perhaps she will give some consideration to trying to resolve this issue for not only these people but also people who live further up the coast. I guess that over the next 15 to 20 years those people who own coastal land will have some of these issues thrust upon them.

Sitting suspended from 6.00 to 7.00 pm

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Mr J. P. EDWARDS: I have almost concluded my remarks. I wish to comment on the “Network city: community planning strategy for Perth and Peel”, which is a fairly relevant topic at the moment. It is something that can be included under the broad scope of the Planning and Development Bill 2004.

In 1991 Hon Richard Lewis was the shadow minister. He released a discussion paper titled “Where are our children going to live and work?” Interestingly enough, a lot of the issues in the discussion paper are fairly relevant to the Network city strategy that the minister is proposing. I will quote further extracts, but remind members that the paper was released in 1991. It states, in part -

In recent years, particularly at the time when urban land shortages were being felt with increased lot prices, a solution which became somewhat rhetorical was to increase the living densities within the metropolitan core.

Indeed, with living styles changing and an ageing population, there must be innovation in housing type and availability of suitable housing mix throughout all communities.

It is something that has been recognised for some time. I am sure people recognised that well before 1991.

Ms A.J. MacTiernan: What is the title of the document?

Mr J.P.D. EDWARDS: It was a discussion paper that Hon Richard Lewis released in 1991, which I referred to earlier. It is titled “Where are our children going to live and work?” A pertinent point contained later in the document is -

However, what should never be forgotten and is fundamental to why metropolitan Perth enjoys such a unique living amenity, is because of the low to medium housing densities that have prevailed.

Whilst this paper -

And the current coalition -

supports the need for better housing type and mix, it cautions the need for Government to “ramrod” or “push” onto the community, higher density against its wishes.

Perhaps the minister needs to listen to the community in this case. There is nothing wrong with infill and infill densities, but one needs to be very cautious about how it is done. There are certainly social issues involved in that as well. The skill in the future will be to ensure that the way of life and unique living environment of people in the Perth region is sustained, rather than jeopardised. That is a very important point which, again, was recognised back in 1991. It also needs to be understood that the fundamentals of democracy must be preserved whereby people have the right, through their respective elected local councils, to determine their own living environments - that is, housing - by virtue of their own district town planning schemes. I referred to that earlier in my speech. If people, via the determination of their elected councillors, opt for lower housing densities, particularly in specific areas, and are prepared to pay the economic penalties of higher municipal and essential service costs without burdening the wider community, that probably should be accepted as their right. A lot of this makes sense in terms of what the minister wants to achieve with her own vision of Network city. However, Governments should not statutorily override or force local authorities to increase their residential densities, irrespective of unused essential service capacity, against the wishes of the community as expressed by elected councils. It is also important to note that the provision of a wider choice of housing type and mix should span the broad spectrum of housing costs, vis a vis from lower cost density living to expensive luxury apartments.

Some recommendations came out of that report and they make interesting reading. The first recommendation was that medium density housing be accepted as a suitable means of providing additional choice in housing type and mix. The second was that the Government, in concert with local authorities, formulate an overall regional housing density policy that strikes an average for particular geographic areas within a region.

Ms A.J. MacTiernan: Where is this from? Is this still the Richard Lewis plan?

Mr J.P.D. EDWARDS: These are some of the recommendations.

Ms A.J. MacTiernan: Would you be prepared to table that document?

Mr J.P.D. EDWARDS: I am happy to table it. The third recommendation was that the implementation of the regional density policy be left to individual local authorities, which, with their district town planning scheme prerogative, would allow housing densities, preferably by specifically zoned precincts, so as to achieve the quota average over a five to 10 year period as desired. The fourth recommendation was that government should not have the power to statutorily override or allocate housing densities within local authority districts. Some good advice is given and some good points are made in that document. I am sure the minister is very passionate about

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what she wants to do, but everything should be done in balance. Some of the points made in that report lend themselves to that balance.

A number of my colleagues also wish to speak on this Bill. The questions that need to be asked on the detail of this Bill can be covered during the consideration in detail stage, and some aspects will need to be delved into in depth.

I thought I would conclude on an amusing or facetious note, but there is some truth in this. I think I can thank the member for Vasse for this article from *ON LINE opinion*, and it is something for all parliamentarians to think about. Some members may have already seen the article, which is entitled "Obesity: blame the town planners of 50 years ago". It states -

Obesity has cast a large shadow over Australian public policy. So far the debate has emphasised the effects of junk food, television and computer games on children. Various state and federal ministers have put forward schemes to get kids physically active.

But it is not just kids who suffer from obesity and being overweight. Australian adults are increasingly pulling their weight around, literally, and this trend is set to accelerate in coming years.

...

A recent report by the UK House of Commons expects that treating obesity will add billions in additional costs to that country's National Health Service. If replicated here, such patterns will give new meaning to the term "bulk billing".

Members may wonder what this has to do with planning, but I am coming to that. The article continues -

So what is causing society to pack on the lard at such a rate? So far the public finger of blame has been pointed at unhappy diets and the demon TV. But the UK House of Commons report also castigated town planning agencies for the past fifty years of policies which have entrenched car dependence at the expense of walking and cycling.

By re-designing cities so that cars are the only viable means of transport, the Committee found, planners effectively eradicated the main forms of passive exercise which for centuries helped keep urban populations trim. This conclusion has been backed up by recent research from Georgia Institute of Technology in the US, which found that the greater an individual's car use, the higher their likelihood of being obese.

Australia's planners and developers have designed our cities for car dependence. Public transport is abysmal and pedestrians and cyclists are treated with contempt. Car dependence is now the real driving force of the obesity epidemic.

I need not say any more. Those are not necessarily my views, but the views of the writer of this article. It is interesting that other people believe that planners and developers need to address planning issues for other reasons.

Ms A.J. MacTiernan interjected.

Mr J.P.D. EDWARDS: That was really a slightly tongue-in-cheek remark. Perhaps the minister has lost her sense of humour tonight. It is probably a good note on which to finish. As I said, I will raise the other issues that I need to raise in the consideration in detail stage.

The ACTING SPEAKER (Mr D.A. Templeman): The member for Greenough indicated earlier that he wanted to table a document. He cannot table it, but it can lay on the Table for the duration of today's sitting.

[The paper was tabled for the information of members.]

MRS C.L. EDWARDES (Kingsley) [7.14 pm]: The Planning and Development Bill has 300 clauses, 11 schedules and a whole lot of amendments which, except for our spokesperson, the House has not seen. I do not know how many amendments are still to come. This Bill will bring together a number of pieces of legislation into one Act. It is quite a complex piece of legislation that will introduce a number of new concepts that we hope to explore in some detail during the consideration in detail stage.

I bring the House's attention to the document entitled "Hope for the Future, Western Australian State Sustainability Strategy", which was tabled by the Premier on 17 September 2003. It quite clearly refers to the legislation with which we are dealing tonight and the proposals that were being brought forward, supposedly as a result of long consultation. Although the sustainability strategy document has been out for over a year, the Green Bill has been out for only four weeks. I concur with the member for Greenough's remarks that most of the stakeholders do not believe, given the large number of clauses and the way the Bill brings together three

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major pieces of legislation, that they were given sufficient time in which to make a serious and considered response to the minister. At the time I wrote to the minister and asked for an extension of the four weeks to enable some of those stakeholders to make a serious and considered response. The reply was no, it would not be extended beyond the four weeks. I concur strongly with the comments of the member for Greenough. Quite a number of stakeholders feel that the consultation time was too short and that it did not give them an opportunity to make a serious and considered response. In looking at the state sustainability strategy, the member for Greenough referred to the new re-titled "Network city: community planning strategy for Perth and Peel". That was also referred to in the state sustainability strategy. I remind members that it was tabled on 17 September 2003. It referred to ensuring that redevelopment has clear sustainability gains for a city, and that existing centres and suburbs are revitalised by strengthening the local communities. At an earlier stage it refers to strengthening communities and their sense of place through a neighbourhood renewal initiative etc.

On the Saturday before that strategy was released, more than 1 000 people were in attendance at Fremantle for a so-called "Dialogue with the city", which was essentially a wide consultation process to achieve what we subsequently discovered was part of the sustainability strategy. I, like many other people who attended that sustainability strategy event, rather felt that we had had a giant fraud perpetrated upon us, because in fact the Government had already intended to include in its sustainability strategy, which was released some three days after we had all met, the outcome that it had wanted to achieve on that Saturday. Further evidence of this was the minister's statement in the past week that over the past year, following on from that "Dialogue with the city" on that weekend, there had been a number of network meetings to discuss it. Only a couple of months ago I attended a planning development network meeting comprising all the developers. Do members know that not one of those people, other than those who had been included in the minister's own round table, had any knowledge or understanding of what was being proposed by the subsequent "Network city: community planning strategy for Perth and Peel"? Therefore, I dispute that any serious consultation has taken place.

The ACTING SPEAKER (Mr D.A. Templeman): I call the Minister for Planning and Infrastructure to order regarding mobile phones.

Ms A.J. MacTiernan: I apologise.

Mrs C.L. EDWARDES: It is only when people are impacted upon that they start to get a feeling for what will occur. Therefore, when developers start to put in applications to change the residential design codes, the network between the Government and the local council will start to have an impact on proposed planning in the suburbs. We found that this had already occurred in the City of Joondalup, in the suburbs of Greenwood, Kingsley, Warwick and Woodvale. The City of Joondalup put forward a precinct planning proposal. Let me tell the House that we could go through the same process. Months before there had been a series of workshops etc that led to the proposal, which then led to the major uproar. I can tell the minister that the impact of the proposals she is putting in place will be on a much broader scale than occurred in the Kingsley electorate. Some 2 000 people attended a public meeting at the Greenwood Senior High School. The following Tuesday approximately the same number of people attended a similar public meeting, together with the local council, to oppose the proposals that were being put forward. Those proposals are for infill planning, which the minister is talking about with regard to the Network city strategy, whereby spaces that are not being used are looked at - unusable spaces. Unusable spaces in terms of precinct planning are cul de sacs. One idea was to open cul de sacs, as this was considered to be much better planning that would provide much better drive through than is occurring today. Another idea was to turn some of the ways into major streets. One proposal had a street going all the way through somebody's home. Another proposal for unusable land was to put two-storey developments in front of people's houses. The minister said in her media release that people should not be worried about their backyards. People are quite worried about their neighbours' front yards being filled in with two-storey apartments. I turn to parks. What could be better than surrounding a park with a stack of townhouses, under the tag of safety? The people in my electorate said get lost to that. They do not want that to happen in their neighbourhoods. They want access to their parks; they do not want townhouses to be built on the fringes of their parks. They want public open space to be protected. They certainly do not want this sort of development in the name of safety, increased density or renewable or livable neighbourhoods - whatever term is used. There will be a major backlash from members of the community. They do not want it. They do not want industry - home-based businesses - to be built at the front of shopping centres. They like their shopping centres to be local, neighbourhood shopping centres. They do not want the unusable spaces, such as verges, to be filled in.

Four thousand people attended public meetings in absolute uproar. The council was forced to withdraw all plans for precinct planning. The minister talks about going to local councils and having public meetings. I would love to see the one at the City of Joondalup, because people will turn out in droves if they think that this Government will again impose something upon them that they have clearly rejected. They went into absolute meltdown.

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They have built homes and grown up in these neighbourhoods. Some have been in their neighbourhoods for 20 or 30 years. They like their old neighbourhoods just as they are today; they do not want them to be filled in. I would love to see the meeting at the City of Wanneroo. The Mayor of Wanneroo is totally opposed to the proposal to draw a line around the metropolitan area.

Ms A.J. MacTiernan: No-one has drawn a line around the metropolitan area. That is an absolute lie.

Mrs C.L. EDWARDES: We have seen what has happened in Oregon and Victoria, where there are two classes or status groups. Some people will be within the metropolitan region and some people will be outside it. Do members know how the minister will determine that? She stated it clearly in her document: it will be done by way of provision of infrastructure. The Government will not build roads or schools on the other side of the line; it will not build anything on the other side of the line because it wants neighbourhoods to infill.

Every member on the other side of the House should be totally opposing this minister and her current proposal because if they do not, they will face the same sort of pressure that the City of Joondalup faced. The document put out by the City of Joondalup on precinct action planning before the public meetings used the same words that the minister has been using - extensive consultation on these strategies -

Point of Order

Ms A.J. MacTIERNAN: The member has not addressed the Bill since the first minute of her remarks. She spent one minute addressing the legislation, and since then she has been talking on an unrelated topic.

The ACTING SPEAKER (Mr D.A. Templeman): There is no point of order. The member is speaking within the realms of the context of this Bill. However, I ask that she ensure that she continues to do that.

Debate Resumed

Mrs C.L. EDWARDES: That shows that the minister is quite concerned about this issue. She is concerned about the backlash that is likely to occur if government backbenchers get together and say that they will not sell off public open space, build townhouses in parks, run access roads through parks, open up cul-de-sacs or open up crescents to major roads. They will say that they want to protect mature trees and birds in parks and they will not change that pleasant green state that they currently have before them. They do not want infill high density housing. That is what the people of the electorate of Kingsley said to the City of Joondalup. The document released by the City of Joondalup used the same words that the minister referred to. It states -

Extensive consultation on these strategies has been undertaken with the public, through a series of 'Community Visioning' workshops. 'Community Visioning' has shown community support for the rejuvenation of local centres and improved quality of life for the local community.

When the signs went up in front of the local parks and shopping centres, the community of Kingsley went into major meltdown and said "no way - we will not have this". It does not matter what the minister says. Eleven hundred people attended the meeting in Fremantle, and the networks of stakeholders have been established since then. Any local community, told that it will have townhouses built on its parks, will say it will not have it. The minister should try telling the community that she will open up a cul-de-sac right through somebody's home. The community will say "no way". It does not matter what planning strategy this Government is proposing to put in place by changing the R codes, so that local councils have to comply with the strategy being put forward, there is no way that local communities will accept the selling off of their parks. They will refuse absolutely. They do not want their parks and ovals lined with two-storey townhouses. They will not accept this proposal. In fact, 60 per cent of people surveyed - as the minister has agreed - have rejected it outright.

Ms A.J. MacTiernan interjected.

The ACTING SPEAKER: The member for Kingsley has only five minutes remaining. She has the floor, so I ask the minister to allow her to continue.

Point of Order

Mr P.D. OMODEI: I definitely heard the minister refer to the member for Kingsley in unparliamentary terms, and I ask you, Mr Acting Speaker, to request her to withdraw those comments.

The ACTING SPEAKER: I did not hear the minister's comment. I came in over the top of the minister, to bring her to order, so that I could ensure that the member for Kingsley could continue her comments. There is no point of order.

Mr P.D. OMODEI: I do not wish to canvass the ruling of the Acting Speaker, but I would have thought that the words "stupid and dishonest" were unparliamentary.

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The ACTING SPEAKER: I have referred to the member's point of order. There is no point of order.

Debate Resumed

Mrs C.L. EDWARDES: If the minister had said it, it would be not only unparliamentary but also highly untrue. It would be absolutely untrue. I have read the legislation and the sustainability strategy document and I attended the dialogue that took place with the chief executive officer in Fremantle. I know exactly what I am talking about. I attended public meetings in Greenwood and Kingsley and I heard more than 4 000 people tell the City of Joondalup that there was no way they wanted their public open space sold off. The minister rejected the fact that two-thirds of the 1 100 people involved in the initial draft opposed its core tenet of medium density. Her media release stated that more than 40 per cent of the people said that medium density was an increasingly attractive option.

Ms A.J. MacTiernan: For them personally.

Mrs C.L. EDWARDES: What happened to the other 60 per cent?

[Leave granted for the member's time to be extended.]

Mrs C.L. EDWARDES: From past experience, it will not be a pretty sight when the other 60 per cent of the people are presented with plans from their local council that indicate their parks will be surrounded by townhouses, their public open space will be sold off, access roads will go through their parks and cul-de-sacs will be opened up. It will not be a pretty sight to see 4 000 people making the point very clearly that they do not accept their suburbs being done away with. The minister in this legislation has echoed the City of Joondalup's ill-fated precinct planning process. I would have thought that she would not want the Government to suffer the same fate in an exercise similar to that which I have reported to this House in the past. The minister has said that meetings will be conducted in the next three months. I cannot wait to attend one of those workshops in the City of Joondalup, let alone in the City of Wanneroo, leading up to a state election. As I said, the Mayor of the City of Wanneroo is absolutely and totally opposed to this plan. I cannot wait, therefore, to attend those meetings in those suburbs in the next three months leading up to a state election. The people do not want their communities rezoned mixed use or high-density housing; they want to retain their parks. That was the clear message that came from all those people who attended meetings in those suburbs, not the least of which was Woodvale. The councillors of the City of Joondalup changed their minds within seven days when I brought this matter to their attention. A beautiful palm park was established by the Palm and Cycad Society of WA in which it has developed and grown beautiful palms. There is also a memorial in the park for one of its late members who was instrumental in the establishment of the park. The council was prepared to put high density housing in that park, ignoring the work of the local community, ignoring the work of the Palm and Cycad Society and ignoring the fact that the memorial had been accepted by the City of Joondalup. When I pointed that out to the council very clearly, it immediately withdrew the proposal. It was a shame that it had not had the sense to withdraw all the other proposals in Kingsley and Greenwood at the same time because it went through a lot of pain. It was not a nice thing for the council to have to face 2 000 people at a public meeting who opposed everything that the council was doing. I am saying very clearly that this proposal is dumb, it is wrong and there is no support in the community for it. If people wish to infill, then proper planning processes are already available today, and we have seen that in Scarborough and other suburbs. However, suburbs such as Greenwood, Kingsley, Warwick, Woodvale and Edgewater say that there is no way that they want this happening in their suburbs.

I call on the Government to put this latest planning proposal right where it deserves to be; that is, in the bin. It should not see the light of day. It is dumb, and many community members will seriously reject it. If the Government is proposing to hold all these workshops in local councils in an endeavour to garner support, I know already in my area that serious concern and issues will be raised about the Government's proposal.

MR P.D. OMODEI (Warren-Blackwood) [7.35 pm]: I rise to make my contribution to the debate on the Planning and Development Bill 2004. This Bill has a number of shortcomings, which we will pursue in the consideration in detail stage of the legislation. However, it gives us an opportunity to comment on the legislation and on planning generally in Western Australia. Some provisions in this legislation have been mooted for quite sometime, and we will not be opposing them.

I will tell the House about a recent event in my electorate; the launching of the Warren-Blackwood planning strategy. The planning strategy had its genesis in the time of the previous Government under the chairmanship of Hon Bill Stretch. Later, when the strategy was in draft form, the minister came to our area and, in her very demure way, launched the strategy, which was reasonably well received. However, the feedback in the consultation process was not uniformly in support of the strategy. I recall one proposal in the strategy to change the minimum lot size subdivision from 40 hectares to 80 hectares. The local community, particularly in the

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Shire of Manjimup, which is a very strong horticultural area, was very concerned about that. In our locality, there are vineyards of 20 hectares that are turning over \$1 million. In the cut flower industry or with many of the higher-value horticultural crops, a person can make a very good living off 20 hectares. The old 40-hectare subdivision is now being changed to 80 hectares. However, at the launch of the strategy, a local surveyor who is a well-known fellow, born and bred in the area, a one-time Labor candidate and a former shire president agreed with me that the 80-hectare proposal was not ideal for that community. We put that proposition to the council and were told that it did not matter what we said, because the Government was going to go ahead with it anyway. We made all the possible suggestions we could, and then waited to see what would happen.

The other day, Hon Adele Farina came to the area to launch the final document, and said what a wonderful event it had been and how consultation had been very thorough and so on. At the end of the launch of the strategy, the Shire of Boyup Brook said that although a consultation process had taken place, nobody had listened to the consultation. In other words, the Western Australian Planning Commission presented this proposal to the community but it did not listen to what the community had to say. If the Government does not listen to what local government and two former shire presidents say - one a political candidate and one a minister for eight years in the previous Government - with our knowledge of the district in which we have lived since birth, then who does the Government listen to? The 80-hectare proposal will not be good for that community at all. I do not know what advice the Planning Commission took. Obviously, John Towie, a surveyor for 30 or 40 years, would have ongoing dialogue with the Planning Commission by virtue of the nature of his business.

I was a member of the south west planning advisory committee for a number of years in the 1980s. I do not purport to be an expert on planning matters, but this is certainly a matter of real concern. To give an example, there is no as-of-right decision in favour of planting trees. One of my constituents bought a property just east of Manjimup on which to plant cauliflowers, and on which he built a dam. Somebody moved in next door and planted a blue gum plantation. This year his dam has not filled up. Back in the 1980s the Shannon River basin was closed under the Burke Government, which proposed buying private property on which to plant pines. The local government of which I was a member opposed that quite strenuously. It was my introduction to politics and probably the reason I am in this Chamber today.

Mr J.J.M. Bowler: Is that who we blame?

Mr P.D. OMODEI: Yes, we can blame Brian Burke. Brian Burke and I had a couple of disagreements. I said that I would stand for Parliament, of course not realising that the seat was held by the Labor Party with a margin of 13.5 per cent, but we soon fixed that.

The Burke Government proposed to have pines planted on good agricultural land. The Shire of Manjimup covers 7 000 square kilometres of which 14.6 per cent is alienated. Of that 14.6 per cent, some 10 per cent is still covered with trees. There is, therefore, only 10 per cent arable land. As a local government we said that we wanted a horticultural zone. That was more than 20 years ago. I can recall clearly Bruce Beggs, the former Conservator of Forests. The director general of the then Premier's department was at the meeting with Murray Jorgensen who was the then shire clerk and is now the chairman of the Forest Products Commission, and, of course, John Towie and former councillor Ed Valom, and Syd Shea and Don Keene from the Department of Conservation and Land Management. The debate arose because I said I would fight them on the beaches, to the death and so on.

The Government to its credit did back off, but in a very clever manoeuvre it created the CALM sharefarming scheme under which the Government did not buy the land, but leased it. At that stage we believed that horticulture was very important for the Shire of Manjimup. The farming industry in that area produces half the State's potatoes, nearly all the State's cauliflowers, a large amount of dairy produce, apples and so on. It is a very strong horticultural area of the State. One would therefore think that the Government would listen to what the local government had to say at the time, yet we now see a situation in which the Warren-Blackwood planning strategy has ignored some of the lessons of the past. I put it to you, Mr Acting Speaker (Mr D.A. Templeman), that the minister needs to consider the issue of as-of-right plantations. In other shires where there is a large amount of alienated land, I do not think that this is a problem.

The amount of planning expertise in local government varies. Some councils are very good and progressive, and some have adopted a very green approach, such as the Shire of Augusta-Margaret River. I raised that issue in the Parliament. It was interesting that my speech as reported in *Hansard*, which I made I think on the Wednesday, appeared in the local newspaper a couple of days afterwards. I did not realise how avidly people read my speeches.

Mr B.K. Masters: You are talking about your wife, are you?

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Mr P.D. OMODEI: No, the story was in an article in the *Augusta-Margaret River Mail*. I suspect very strongly that a member of the public or members opposite sent a copy of my comments to the *Mail*. The headline read that Omodei raises shire hackles. The shire president's criticism of me was quite scathing. At what point does the Government get involved in a local government that loses a couple of planners every couple of months? The Shire of Busselton and the City of Mandurah seem to be able to handle the planning pressures of growing communities. Obviously some councillors have varying degrees of professionalism and expertise. I wonder at what stage the Government gets involved in local government planning. Having said that and given that there is such variance in the expertise of local councillors and different requirements between local government districts, is it in order for the Government to get involved in local governments' statements of planning policy and impose them on local government planning schemes? Should the Planning Commission or the Government of Western Australia have total control over planning powers of local governments or should the control over planning powers be put in the hands of the local government at the grassroots level, which obviously traditionally prepares town planning schemes and ensures that they comply with the Planning Commission? There needs to be some flexibility. For example, requirements and conditions of subdivisions in a metropolitan area are totally different from those of country areas.

Next year will mark the eightieth year the Omodei family has lived in Pemberton. We will probably want to celebrate the event by cutting down a tree like Mrs Dance. However, by the time I have prepared a management plan, paid for the permit and all that sort of thing, we would have to find another way to celebrate the occasion! On a serious note, on the eastern side of my electorate in particular - bearing in mind the Margaret River strip of seven towns, including Augusta-Margaret River up to Cowaramup - is a large piece of forest. A strip of forest is in between and there is a strip of forest from Northcliffe to Greenbushes that takes in Manjimup, Pemberton and Bridgetown. We are trying to get more families to settle in that area. The restructure of the timber industry has made a big impact on the community, particularly in the town of Manjimup. A huge amount of capital and industrial activity has been removed from that area. People are needed to settle there because they create economic activity whether they are self-funded retirees, retirees, pensioners, or whatever. If a special rural zone were created in Northcliffe, for example, and the State's conditions to build subdivisions with six metres of bitumen road and so on and the requirement to provide utilities such as reticulated water were applied, it could render the project not viable. Likewise, that would be the case in Pemberton.

The Pemberton mill has begun pine milling as a result of the restructure of the timber industry. Not a single block is available in the town of Pemberton. It is landlocked by national parks on all sides. Therefore, the only area that can be subdivided is the rural area. A special rural zone already exists in Pemberton, which is highly successful. It is very attractive and environmentally friendly. Real estate agents told me recently that at this stage it would not be viable for a developer to develop another special rural zone in Pemberton if a subdivision were created and land was appropriately zoned for it. In the meantime, up the road at Bridgetown, where the old Bridgetown town site was developed as a major subregional centre in the early 1900s, the town spans seven kilometres by four kilometres. It already has subdivisions of small blocks and there has been extensive development in the hills. It is a magnificent area of Western Australia in which to settle. It has beautiful undulating hills. The grass moves in the springtime and it has a beautiful river. It is very attractive place to live. Its district education office, for example, is based in Manjimup. About half of its 12 or so staff live in Bridgetown. There is no reason why a similar development to that of Bridgetown could not be created at Pemberton that would attract the same types of people. What I am saying is that there needs to be some flexibility within the scheme. I have first-hand knowledge of some of the conditions that are being applied. I am not saying these conditions should not be applied. However, perhaps these conditions could be applied at a different stage of the development. For example, if the condition is that a bitumen road be provided as part of a subdivision, there is no reason that that condition could not be applied after three-quarters of the lots had been sold rather than as an up-front condition that might render the project non-viable.

The chief planning officer of the Shire of Augusta-Margaret River is a legal person rather than a planning person. She has a big say on the sustainable planning of that community because she obviously has a sustainable conservation bent. If a landowner in that shire wants to build a dam, he must apply for permission from the local government. If a landowner wants to change his land use from grapes to avocados, or from beef or dairy cattle to any other form of agriculture, he must get approval from the local government. If a landowner wants to build a residence on his property, he is required to meet certain conditions with regard to visual amenity, impact on his neighbours and all those sorts of things. I am talking about just a normal house on a farm. That is in total contrast with the situation in the Shire of Manjimup, which is virtually next door; only the Shire of Nannup is in between. The planning section of the Shire of Manjimup works extremely efficiently and effectively. If a landowner wants to build a dam on his property, he must apply to the local Warren-Lefroy Advisory Committee. That committee was set up 30 or more years ago. It is chaired by the Water Corporation, and its membership

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comes from the farming sector. That committee will assess the rainfall yield on the catchment and apply a condition to ensure that the environment is protected by the flow of water in the stream, and it will then either approve or not approve the dam. Likewise, if a farmer in the Shire of Manjimup wants to change his farming practices, he does not need to get council approval provided the change relates to a horticultural crop.

In the meantime, the Warren-Blackwood rural strategy is proposing to impose on that shire an as-of-right plantation section. I must say that slipped past my guard. I live in the heart of the horticultural area. It is magnificent karri-marri-jarraah country, mainly karri-marri, which was settled in the 1920s when huge areas of virtually virgin forest were cleared by people who came from Great Britain under the group settlement scheme and later under the soldier settlement scheme. A lot of blood, sweat and tears went into the development of those properties. It is a magnificent part of the world, and I consider myself very privileged to live there. However, if one of my neighbours were to fall on hard times and decide to plant the whole of his prime horticultural property with trees, it would beg the question of why, after all of that effort had gone into clearing that land. It is usually a person who has come from the city, as the vigneron and other landholders are doing these days, and who has no background in how the land was developed and no knowledge of the culture and of how things have evolved over time. I put it to members that the local council, and even the Western Australian Planning Commission, should have the power in those situations to exclude those areas from tree plantation. That might sound as though I am being draconian and am trying to limit the right of individuals to get the full benefit from their property. An upper House committee has just completed an extensive investigation into the issue of property rights and the enjoyment and use of private property. In some cases, there needs to be planning conditions. However, they need to be done in a commonsense way. If it concerns agricultural land, they should promote agriculture; to promote it rather than diminish it. People in the Western Australian Planning Commission sometimes lose sight of what orderly planning is all about. To that extent the minister should listen to what the local community says. The documents that govern planning today need to be of a nature that deal with all situations. There cannot be blanket conditions of subdivision across Western Australia. After all, it does not go past the attention of people in the south west that in metropolitan Perth sandhills can be flattened and wetlands can be filled and houses built on them without inhibition. That was the case in Warnbro only a few years ago. Both sides of the Perth to Mandurah road have been subject to change and redevelopment. Where there was once undulating country there are now brick retaining walls and so on. Just near the Mandurah Bridge is the new canal development. I can recall being in Parliament - I am sure Mr Acting Speaker (Mr D.A. Templeman) was in Mandurah - when the Creery wetlands issue was around. It was to be the end of the world if the Creery wetlands were developed. We now have a canal development as well as the problem of acid sulphate in the soil. That issue was raised fleetingly by someone the other day. The soil has been turned over by excavators and bulldozers about six times.

Mr B.K. Masters: I am advised that in some of the canal subdivisions of Mandurah the acid is leaching out of the soil and eating away the concrete around power facilities.

Mr P.D. OMODEI: As usual, the member for Vasse is very perceptive. I thought that I had raised it in a very subtle way. I am aware of the same reports. The developers obviously received proper planning approvals from the local government and the Western Australian Planning Commission but the nature of the land has been changed dramatically. There is no vestige of what it looked like in a former life. However, that is regarded as okay because it is being done under a Labor Government that talks about sustainable development and which uses lots of flowery words about the environment. If people in one small town in the south west ache to receive approval for subdivisions, they have to jump through hoops. It is not as if they make megadollars from developing land in rural and regional Western Australia. As a former Minister for Local Government, I visited many councils in rural Western Australia. I know that industrial land can sell in towns for \$3 000 but it takes \$28 000 to develop it. Where do we go from here? The Government talks about providing for people and governing for all Western Australians. I remember the Premier stating at the last election that he would govern for all Western Australians. It seems to me that there is a different law for people who live in the country from those who live in the city. It might be stated that, if people do not like where they are living, they should live in the city. That can be said but, in reality, the heart and soul of Australia is built in country Australia, not in the cities - certainly not in the middle of Sydney, Canberra or Perth. It is the good country folk who were born and bred on the land and lived through difficult times during the settlement of this country who have built this country. Yes, this country did ride on the sheep's back. Maybe that will come back again in the future. There are many good, well-educated and environmentally conscious people in regional Western Australia who are managing their farms and businesses to world's best practice. That is why our grain and horticultural producers are the best in the world. We can compete with those countries that subsidise their businesses. All we need is a modicum of commonsense. I know some of your relatives, Mr Acting Speaker (Mr P.W. Andrews), come from my neck of the woods. You would understand that they are very notable people. Perhaps 3 000 people will

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attend a football game at a suburb in Perth. Guess what. The football grand final last week in Manjimup was attended by 3 500 people. It was a great day. All we need is a fair go and some commonsense in legislation.

I have not referred to the specifics of this legislation to any extent, but I am concerned about issues to do with statements of planning policy and regional schemes. There is no doubt that people have a growing awareness about the ownership of their properties, and that applies not only in regional Western Australia but also right here in the backyards of Perth residents. It concerns what people can do with their houses in relation to heritage issues or property that they have owned for 15 or 20 years. They may have protected a small piece of bushland down the back near the creek and all of a sudden they find that it is to be zoned for public open space, which will devalue their property. All of those things are coming home to roost and members on this side of the House have taken stock of the situation. The previous Government did have proposals for Bushplan and regional scheme amendments. I think Hon Richard Lewis introduced 10 metropolitan region scheme amendments through a public consultation process. I wonder how many people slipped through the cracks in relation to those regional schemes. I do not know, but the people of Hope Valley and Wattleup are very concerned about the decisions that were taken at that time. We acknowledge those decisions, and to that extent our policies at the next election will reflect compensation and sensible legislation under a property rights Act to identify the rights of private property owners. Those rights are very important. The planning process has a major impact on those rights. Not too many people in Western Australia would realise the rights that the Minister for Planning and Infrastructure has over the ownership of land. I understand that all of the vacant crown land is now vested in that body and that there are memorandums of understanding between the Department of Conservation and Land Management and the Department for Planning and Infrastructure about how it is managed.

Planning can also be looked at from a slightly different perspective. In the last sitting week the member for Merredin and I debated with the Minister for the Environment the gazettal of certain national parks. The Government says that it has introduced legislation into the Parliament to create nine new national parks; we say there are five. Regardless of that, funds have not been applied to manage those national parks, to prepare not only a management plan but also a fire plan, a biodiversity plan, a hygiene plan for dieback and all of those sorts of things. We just hear these bland statements that 15 per cent of our forests in the south west of Western Australia are infected with dieback. Pursuant to proposals put forward by the current Minister for the Environment, this Government could be putting into national parks areas of jarrah forests that will die from dieback infections. When we asked about the management plan, we were told that they were not prepared in the past. The Government's proposal is to create 30 new national parks. The number proposed by the previous Government was 12. I would like to think in this day and age of responsible government that when large areas of forest are being put into reserves, to protect those reserves and the people who live either within or near those reserves appropriate funding would be provided. That has not been the case. That is not good planning. This is happening so that the Government can maintain its environmental credentials. It promised 30 national parks and it will deliver at least some of them come what may. If the legislation does not go through the Legislative Council, it will say that it is because of those terrible people in the Legislative Council who have 60 or 70-odd Bills to get through before the end of the year. If the Government wanted to create 30 new national parks it would have had that legislation prepared; it would have hit the ground running in the first six months of its term of government and gazetted them in the first year. Those national parks should have been set up with a proper fire management plan so they would be protected in perpetuity for our grandkids. What we are seeing from this Government is tokenism, and a deception of the Western Australian people on a scale never before seen.

The Opposition will support this legislation. However, it will be critical of some parts and will scrutinise those thoroughly at the consideration in detail stage. As members of this place, we need to be very careful when making laws. We need to make commonsense laws that work and are understood by the people whom they affect. Further, we need to ensure that they are sustainable for future State Governments.

MR B.K. MASTERS (Vasse) [8.06 pm]: I will begin my contribution by making a comment that flows on from the statement by the member for Warren-Blackwood that the Shire of Augusta-Margaret River has not coped with the significant growth it has experienced in recent years, whereas the Shire of Busselton appears to have coped adequately. I appreciate that the member for Warren-Blackwood was the Minister for Local Government in the previous Government. However, I remind him that over the years the Shire of Busselton has had more than its fair share of difficulties in planning for and coping with growth. I do not specifically wish to refer to the fact that both the previous and current shire presidents stood against me at election time. That in itself created significant difficulties for rational thinking and good ways of planning for the future of the shire. In addition, there have been staff changes at various levels. I am told that a document or submission was prepared by staff and sent to government agencies without having the approval of shire councillors sitting in full council. There have also been other problems. We have had our fair share of problems in the Busselton shire. However, it seems that historically - I do not mean this disparagingly towards the Shire of Augusta-Margaret River - a better

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quality of shire councillor has been elected within the Busselton shire. To a certain degree, that is understandable because it has a bigger population. The population in the Busselton shire is between 20 000 and 25 000, whereas the Augusta-Margaret River shire has a population between 6 000 and 8 000. The bigger the fish pond, the bigger the fish, and Busselton has benefited because of that.

It is unfortunate that the minister is not in the Chamber to listen to me because I wanted to thank her for the briefing I was given last month by a couple of her departmental staff - Paul Hayes and Ray Stokes. They gave me a good briefing on the Planning and Development Bill 2004. It is interesting that the history of this Bill goes back quite some years. Both the previous Government and the former Labor Government wanted to amalgamate various pieces of planning legislation in one Act. I will not go into the history of that, because the minister has already covered it. The Bill before us tonight tries to address some key issues. I will briefly touch on those key issues.

The primary key issue raised with me relates to the inability of statements of planning policy to be considered as though they were statutory documents having statutory force when their determinations are to be incorporated in local government town planning schemes. It was explained to me that there are very good reasons that SPPs should be incorporated, in full, in local government town planning schemes without being amended or modified by the local government body. For example, SPPs for residential planning codes, drinking water quality, setbacks for coastal developments and land use around airports should be incorporated, almost verbatim, in local government town planning schemes. I agree with that. There is a difficulty, however. I would find it unacceptable if this legislation then provides that any statement of planning policy that the minister or her department produces will automatically be forced onto local government without exception, without amendment and without a local government being able to consider and, where appropriate, amend an SPP when it is incorporated into its town planning scheme.

In discussions just a minute ago with a couple of my former colleagues, the point was made that, in theory, if SPPs were able to be incorporated in full into town planning schemes - the minister has come out with the Network city proposal for medium and high-density development in old established parts of the metropolitan Perth area - that may be something forced onto local government which does not make a great deal of sense and which would change the character of the local government area so much that people could understand why local government would in that situation be extremely concerned, very upset, and therefore opposed. I hope the minister will fully answer the concerns that have been raised with me about the powers that will be given to her through this Bill by virtue of the SPPs being able to be forced 100 per cent, or virtually unchanged, onto local governments.

A second key issue that this Bill seeks to achieve is to overcome certain deficiencies or problems when local government schemes need to be reviewed. At present, every five years there needs to be a review of every local government scheme throughout the State. That review process can be very long and costly. It can create enormous uncertainty while the process is under way. Many people on the planning side and on the development side, as well as ordinary people in the street, can be affected in a negative way by reviews of local government schemes. This Bill will create a new option to be made available to local government; namely, that town planning schemes in some circumstances can continue, at the choice of the local government body itself, I understand. The town planning scheme would continue on the basis that it must be advertised with that intent, seeking public input. A report would then be prepared and sent to the minister. The minister would then agree or disagree to the scheme continuing, without review. Clearly, if there were a lot of objections, the minister could say to the local government for Busselton, Margaret River, Wanneroo, Mandurah or wherever that it is in a high-growth area, and although its scheme may be only five years old, some serious planning difficulties are already arising from that significant growth. Therefore, the minister would direct that the local government review the scheme. I do not have a problem with that, and I believe that that may well deserve the strong support of all in this House.

The third key issue relates to cash being paid in lieu of land granted to the Crown for public open space. I am advised that at the moment the provision of public open space is mandatory. However, in the case of a small subdivision, it requires the agreement of the owner, because in some cases public open space may not be needed or justified. In those situations, the Bill will allow the Western Australian Planning Commission to request that cash be paid in lieu and the dollars thereby gained made available for development or acquisition of other public open space elsewhere in that local government area. Again, the devil is always in the detail. I am not sure whether local government supports this aspect of the Bill. However, at face value it seems to be reasonable. I hope that when it is put into effect, should it become legislation, it will not become a cash cow for either state or local government, but will be a provision that is used judiciously, cautiously and with sense, and not as a major impediment to developers who, in the minds of some planners, are, by their very nature, greedy and not deserving of any community or government support. I hope that in years to come I will develop land as part of

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my superannuation package. I am sure that many others in this place have wanted to subdivide a block of land off the back of their properties or to do other things. Development per se meets a community need. Some bureaucrats consider that anyone who wants to develop land is, by definition, a capitalist who is exploiting the system and so on. I am sure that all members have heard the propaganda that sometimes comes from people whose political views might be to the left of centre. I hope that those views will not cause this section of the Bill to be used adversely against developers.

The final key issue enshrined in the Bill on which I received advice relates to the relationship between local government schemes and subdivisions. I understand that the Western Australian Planning Commission must at present have regard to local government schemes when deciding whether to vary those schemes in specific situations. If the Bill has been written so that in theory the WA Planning Commission does not need to have due regard to what is contained within a local government town planning scheme, I would be concerned, because town planning scheme documents have statutory force. Almost always they are prepared with significant community input. It would be unfair and unreasonable for the WA Planning Commission in Perth to be able to tell a small rural or remote local government body that it was going to change the town planning scheme in some way in relation to a subdivision and to ride roughshod over the local government's wishes.

I raised with the two people who gave me a briefing an issue relating to the Mining Act. I understand that disputes over the grant of mining tenements are currently referred to both the Minister for Planning and Infrastructure and the Minister for State Development wearing the hat of minister responsible for the Department of Industry and Resources. Those disputes must relate to proposals that have implications for regional and local government schemes. I am not sure if I am explaining this correctly. It has been explained to me that mining disputes that impact upon region schemes cannot be referred to the ministers but that the grant of mining tenements that relate to local government schemes are currently referred to those two ministers. As I understand it, this Bill seeks to bring in those two government ministers when mining proposals have implications for region schemes. I come from the mining industry. I was the exploration manager for a medium-size mining company that has mined successfully since 1959 in the south west land division, mainly in populated areas. I am concerned that if there must be agreement between the Minister for Planning and Infrastructure and the Minister for State Development before a mining proposal can proceed, it will open up the opportunity for politics and electoral matters to be considered as part of the decision-making process. That is not good government. The words I am about to say might stir up the member for Roleystone. I will give an example. I refer to the mineral sand deposit at Mundijong. If all of that deposit were available for mining, it would have a value, as raw mineral, of some \$700 million. If it were processed into value-added products, it could have a value as export material of between \$7 billion and \$9 billion. I would hate a mining proposal of that magnitude to become a political hot potato in the lead-up to an election. I hope that the decisions made about major mining operations are made by the Government as a whole, and as much as possible without local politics, especially electioneering.

Mr M.P. Whitely: The essence of my argument about Mundijong is that the Warden's Court made a determination based on the economic, environmental and social costs and benefits of that new sand mine, and actually caused portions of it to be knocked on the head. Is that not the essence of my argument? It is not an emotive argument. Is it not the argument that says that an independent umpire has made a cost-benefit analysis and come down with a decision that was not favourable to the mineral sand mine?

Mr B.K. MASTERS: That is not my understanding. My understanding is that the Warden's Court took representations primarily on environmental issues, and certainly knocked out some of the areas.

Mr M.P. Whitely: That is not actually right.

Mr B.K. MASTERS: I am just telling the member my understanding. Until I tell him what my understanding is, he really cannot tell me that it is wrong. He should let me explain my understanding. Parts of the tenement applications were knocked back for environmental reasons. I do not believe the Warden was empowered to consider the issues of sustainability.

Mr M.P. Whitely: The principal reason the mining tenements were knocked back was that the Mining Warden made an assessment that the land had value for housing. The Mining Warden did not actually make an environmental determination. In reference to the bit that he left open for possible mining, he said that he did not have the environmental expertise to make that assessment; that would need to be done by the Environmental Protection Authority.

Mr B.K. MASTERS: I will have to go back and read the Mining Warden's recommendation, but it is interesting to note that moves are afoot to remove from the Warden the powers to assess the validity of, or approve a mining tenement for reasons other than the technical requirements of the Mining Act. I agree with that. Anyone should

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have the right to go to the Mining Warden and lodge an objection to a mining proposal or tenement application for any reason at all, but the Mining Warden should be limited to being able to say that some valid concerns have been expressed about the environment, and therefore the Environmental Protection Authority should assess the application. If there are issues of social and economic implications of the mining proposal, he should be able to recommend that the appropriate government ministers assess them. However, the Mining Warden should make decisions about the technicalities of whether the tenement should be granted, and whether the company has met the requirements of the Mining Act.

Mr M.P. Whitely: Doesn't that then politicise the process?

Mr B.K. MASTERS: Not at all; it is a whole-of-government approach.

[Leave granted for the member's time to be extended.]

Mr B.K. MASTERS: I need to move on. The original Green Bill that was presented some time ago proposed some very significant changes to planning legislation in Western Australia about which I was very concerned. In particular, changes were proposed to the way in which planning documents could come before Parliament and be deemed to be automatically accepted by Parliament if disallowance motions were not debated and decided within a certain time. I am relieved to see that that provision and others have been removed. However, in the few minutes left to me I need to comment on a few things that concern me. I hope the minister will take note of my concerns and address them in the consideration in detail stage. I refer to a briefing note to members dated July 2004 about the three Bills being cognately debated tonight. On page 1 of attachment 1, section 2 discusses the amendment to section 33A, which requires affected landowners to be notified of a major amendment - I emphasise the word "major" - that changes the zoning or reservation of land in a scheme. I am concerned about the use of the word "major", because I am aware of this Government deciding that certain proposals were minor and therefore did not need various types of assessment. Major, minor and intermediate are very subjective words. I believe that type of amendment would leave the notification of landowners very much to the discretion of bureaucrats or the minister. I would like to see clearly defined "major amendment", as opposed to "minor amendment". Ultimately, an amendment to any dealing with private property should be notified to a landowner. Leaving the word "major" in the Bill will create the potential for problems to arise.

Paragraph 4 on page 2 of attachment 1 proposes to amend the relevant provisions of the MRTPS and other Acts -
to enable the Minister to direct a local government to proceed with an amendment to its local government scheme to enable concurrent processing with an amendment to a region scheme where an amendment to a local government scheme is necessary for consistency with the region scheme . . .

Those are a lot of words to provide that there must be consistency between local and regional planning documents. I do not, in theory, have a problem with that. However, will the region scheme be forced on local government without local government being able to have much of an input? In theory, local government will always have an opportunity through public submission periods to comment to government on region schemes. However, I foresee a scenario in which the Government of the day will propose an amendment to a region scheme that declares the whole of Western Australia a nuclear-free zone, such as the amendment to the Shire of Chapman Valley and I think also the Esperance local government body. I believe that is grandstanding on the part of those local government bodies. In the past three and a half years this Government has created a bit of a scare in Western Australia about Pangea Resources Australia, nuclear repositories and so on, which scare was largely a furphy. I fear that this provision of the Bill will be used to impose a nuclear-free zone on every local government body in the State. I regard that as unnecessary and undesirable; therefore, the power should not be created.

Paragraph 5 of attachment 1 proposes an amendment to provide that -

- a) where a region scheme is amended by the reservation of land the local government scheme is automatically amended without the need for a separate local amendment . . .

Again, in theory, I do not have a real problem with that. I presume there will be many opportunities for public submissions by private landowners, community groups, government agencies and local government. However, I emphasise that every private landowner must be notified at the appropriate time before it is too late and a local government scheme is automatically amended by a region scheme amendment. No mechanism in the Bill provides for private landowners to be told of changes to their land use. For that reason I hope the minister will address that issue in some way.

Paragraph 6 under the heading "Local Government Schemes and Amendments" proposes an amendment to provide -

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- b) consolidation of an existing scheme but with the opportunity to include amendments which are advertised for public comment in the normal way prior to gazettal of the consolidated scheme

...

I am not sure exactly what that means. I hope the minister will expand on that during the consideration in detail stage. Similarly, paragraph 8 of attachment 1 proposes to amend the Town Planning and Development Act -

... to include a definition of town planning scheme, distinguishing between zoning schemes and development schemes, and to provide that only one zoning scheme can be operative over an area ...

Again, I do not have, and have never had, the role of shadow Minister for Planning and Infrastructure; therefore, I am not sure what that means. Some sort of explanation from the minister would be very much appreciated.

I am concerned that this legislation, should it become law, would enable the Western Australian Planning Commission to approve a subdivision if it is consistent with "Statement of Planning Policy No. 1: The State Planning Framework" with any other approved statements of planning policy, or a subdivision that is consistent with the provision of a region scheme dealing substantially with the same scheme. I am not sure whether the Western Australian Local Government Association has raised its concerns on this aspect of the Bill, whereby the WA Planning Commission can make a decision on a subdivision if it is consistent with a region scheme or with statement of planning policy No 1. However, I would not be surprised if local government was very concerned about this, because I am not given any indication by this legislation that local government must be consulted, and I see the opportunity for a land developer or any other party to tell the minister and the WA Planning Commission to forget about talking to local government because he believes something needs to be done on this parcel of land to give it subdivision approval or design right now without reference to local government. That would be a backward step, and I hope that the minister can allay my fears on that matter.

In the briefing document to members on this legislation, paragraph 18 on page 5 of attachment 1 states -

Amend s.20 TPDA to introduce appropriate mechanisms, such as statutory covenants set out in Regulations to replace the 0.1m pedestrian access-way condition currently imposed on subdivisions to control access to major roads ...

I do not have the faintest idea what that means, so I hope the minister can expand on that at the appropriate time. Paragraph 20 on the same page states -

Introduce a time limit of twelve (12) months for the lodgment of a deposited plan with the Registrar of Titles following endorsement of the deposited plan by the WAPC ...

Once that is lodged in respect of existing endorsed plans, an applicant will be able to apply for titles within five years of this Act becoming effective. Again, I am not aware of what that actually means in a practical sense, and I hope the minister can explain that at the appropriate time.

On page 7 of attachment 1, paragraph 29 refers to an amendment to current legislation -

... to replace the current provisions requiring not less than three local government members to be appointed to regional planning committees to be reduced to not less than two local government members ...

Again, I find that to be something of a backward step. Local government may very well be parochial, but provided it is given the opportunity to explain why it is, in most cases I assume, opposed to a particular subdivision or development approval, then there should be as many as possible local government representatives on regional planning committees rather than in theory lowering the number to just two. This is a weakening of local government influence on the planning process, and I am not aware of any justification for that having been put forward by the minister or her department.

As an aside, when considering any issue, the regional planning committee should have a representative from each affected local government body in attendance and voting, with full power to debate the issue with the other members of the committee. I understand that currently they come along, make a submission and then leave. Many local government bodies may find it difficult to send a representative to a regional planning committee for just one issue that might be contentious or difficult or need to be explained. However, government needs to be far more responsive to the needs of local government than it is at present, and I hope the minister pays some attention to that.

That concludes the comments I want to make. There are some valid reasons for amalgamating existing planning legislation into the Planning and Development Bill 2004. I hope that the shadow Minister for Planning will pursue with the minister every issue of concern relating to this legislation, because it is important legislation and

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has the potential to very profoundly impact on the quality as well as the quantity of life and all aspects of development, especially in regional areas. I am not yet sure whether I will support the legislation or oppose it. I will seek advice from the shadow minister in that regard.

MR T.K. WALDRON (Wagin) [8.36 pm]: This is important legislation because planning issues are very important whether people live in the city or the country. Having been involved in real estate for 16 or 17 years in country Western Australia, I have had the importance of planning issues brought home to me. With planning, as with any other matter, we must ensure that we apply rules and regulations practically and with commonsense and that we do not get carried away with too much regulation reflecting on other legislation that ends up as a hotchpotch. Planning decisions and regulations have a very real effect on people's lives. We must therefore be very careful when examining this legislation.

The purpose of this Bill is to consolidate the Town Planning and Development Act, the Metropolitan Region Town Planning Scheme Act and the Western Australian Planning Commission Act into a single Planning and Development Act, and to streamline planning legislation. I want to concentrate on the streamlining aspect for a minute because streamlining the process is a very important part of this legislation. We must ensure that the planning process is streamlined as a result of this legislation and that decisions are not held up for long periods, as perhaps happens a bit too regularly.

The Bill states that landowners will not be limited to the period specified in a local government scheme when making a claim for compensation, but it also confirms that there is no entitlement to compensation. I do not want to go into the aspect of compensation in detail other than to make the point that we need to look closely at the issue of compensation. I believe there must be some form of compensation, but it does not necessarily have to be in the form of a payout; it could be in other forms, such as not having to pay rates or not having some of the requirements imposed on a normal landowner, such as responsibility for firebreaks, fencing and so on. It does not seem particularly fair for landowners who lose the use of their land to find that they must still pay rates, fence the land, put down firebreaks and generally look after the land. If the current Opposition wins government, it will certainly be looking more closely at that aspect of the legislation.

Mention is made of agricultural tied lots. I want to make sure that I have this straight. I know that the minister is not here, but as I read it the Bill allows for the creation of agricultural tied lots or the expansion of agricultural holdings into multiple lot holdings. Tied lots would be approved only subject to a restrictive covenant and the restriction of land use and development potential of the lot - the tied lot - to an existing agricultural lot - the principal lot - that is worked in conjunction with the tied lot. I want clarification on this from the minister. The tied lot would be tied to a principal lot on which a residence may be erected and be within such distance from the principal lot that it can be worked for agricultural purposes in conjunction with the principal lot. I think that I understand that, but I would like it explained. Perhaps there will be a chance for that when the minister replies or during consideration in detail. We must make sure we know how this legislation will work and what the impact of it will be.

A clause under planning control areas includes an additional category of public purposes of the State as one of the purposes for which land may be required in the declaration of a planning control area. This allows for the state government purposes other than those particular purposes that are specified in the schedule. This part concerns me because it seems to give the Government a blank cheque. Obviously processes must be gone through, but I wonder about new regulations and rules that impinge on the rights of landowners. I am concerned with that part of the legislation concerning the public purpose of the State. I would like the minister to explain that area also.

I will refer to a matter that the Shire of Boyup Brook raised with me and which was raised also by the member for Warren-Blackwood regarding the Warren-Blackwood rural strategy, which has already been implemented. The Shires of Boyup Brook and Manjimup and a couple of others believe that they should be allowed to subdivide down to 40 hectares, whereas the Western Australian Planning Commission, the Department for Planning and Infrastructure and the minister support the 80-hectare minimum for that region. Some issues raised with me include the agricultural and other industries in country Western Australia that are trying to diversify the products they produce. More intensive type farming occurs today than in the past and new technology has meant that different ways of making products are being developed. We are trying to keep our country communities going. Therefore, we must attract people to them. I wonder whether in some cases this legislation will inhibit some development. Our local governments should have the right to subdivide down to 40 hectares. I understand it can still be done upon making an application etc. However, I do not know the full detail of that because I am not a full bottle on this matter. However, costs will be imposed on landowners to do that. Trying to make a quid out of subdividing country properties does not work. I have concerns about that. I think the member for Warren-Blackwood raised those concerns. The Shire of Boyup Brook is concerned about this development. I

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wonder how far across Western Australia that scheme will apply. Will it be applied right across Western Australia? I hope that it will not be, and it probably will not, but I would like the minister to clarify that matter also.

I will refer to planning in general regarding the availability of residential and commercial land in our towns and communities. In many cases towns are struggling to sell or develop land. For instance, Bridgetown, Cervantes, Jurien and Westonia have problems. Another problem, which has already been mentioned, takes me back to my years working in the real estate industry. I believe that the problem has been exacerbated over the years. I refer to the cost of developing land in country towns and the inability to sell it at a profit. It is too hard. If it costs \$30 000 to develop a block and each block can be sold for only \$10 000, it is not a great commercial proposition. We must look at that. I refer to the expansion of and increase in funding for the regional headworks scheme, which is a real killer, particularly sewerage, water and power costs. A situation occurred in Katanning in which a local businessman wanted to develop some industrial land. However, the cost of the transformer that had to be installed prohibited the development of the land. Once again, development of country towns is being inhibited.

Although this matter does not relate directly to planning, when talking about planning and developing land in country towns, I must mention the rural towns infill sewage program. That program needs to be up and running again at full steam, because if it is not, it will not only inhibit development but also cause a lot of other problems in country towns. It is a great program, and it needs to be kicked off again and funded.

We need to ensure that in regional planning we offer assistance and incentives for people to develop land. We need to put in place commonsense planning laws and regulations and to streamline the process. In Kojonup, my old home town, the owners of an estate are trying to develop a centre for soils excellence. The Minister for Agriculture, Forestry and Fisheries knows about this. The member for Collie is also involved. However, we have been waiting and waiting for the planning changes for this land to come through. It has just gone on and on. Hopefully we are nearly there. We need to ensure that we streamline the process. I certainly will be supporting the legislation, but I have some concerns. I have found it interesting to listen to some of the other issues that have been raised tonight. I look forward to hearing more about these issues during consideration in detail. I hope the minister will answer some of the points I have raised and accept that we need to take a commonsense and practical approach to planning.

MR B.J. GRYLLS (Merredin) [8.46 pm]: I support the Planning and Development Bill 2004. The planning process is probably one of the most important issues that will face regional areas as we move into the future. Last week the Minister for Planning and Infrastructure talked about how infill in the metropolitan area will allow us to cope with the increasing number of people who want to live in Perth. That sent a very disappointing message to me and to the whole constituency of rural Western Australia. I am sure that every regional member of this House would regard decentralisation as one of the key objectives that they want to achieve during their time in the Parliament. It is disappointing that the members for Albany and Eyre have left the Chamber. I think the member for Geraldton is still here. I am sure members on all sides of the House want to take a bipartisan approach to this issue. The decentralisation of population, services and infrastructure out of the metropolitan area and into the regions is certainly at the top of what I want to achieve during my term as member for Merredin. Therefore, when the minister talks about infill in the metropolitan area, that is of great concern to me. It has been clearly outlined in every decision that the Gallop Labor Government has made that the provision of services and infrastructure is based on population.

Mr J.C. Kobelke: That is simply not true.

Mr B.J. GRYLLS: Regional Western Australia does not have a population size that can guarantee that funding. I will take up the minister's comment, because at this very moment the small regional hospitals in places such as Bruce Rock and Kununoppin are about to have their full-time equivalents transferred to central towns such as Merredin and Northam. That is of great concern to those small communities. If Bruce Rock could add another 500 people to its population, that would not be happening, and I would be standing here arguing for more nurses for the Bruce Rock Memorial Hospital. The reason that the planning argument is so very important to regional Western Australia is that if we do not manage to get the population into these communities then I will need to constantly stand in this place and argue for the maintenance of schools, hospitals and the road network, and the minister responsible will say the population does not justify it; it needs to go into the Peel region where the population is.

Mr J.C. Kobelke: That is quite a valid point. However, you said earlier that the Government's decisions are based simply on population. I can give you umpteen examples of where that is simply not true.

Mr B.J. GRYLLS: As I said, the lack of infrastructure and services to the communities in my region can always be sheeted back to population numbers. It is just like the situation with primary schools. The small primary

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schools with fewer than 100 students are often the worst off when it comes to the provision of shaded areas. None of the primary schools in my electorate has more than 100 students. I can understand why the people in Treasury and other government departments would say that the money should be spent where it will benefit the most people. I can understand that process. However, I want to get back to why I am raising this point today. The planning process is very important in that. As a country member, I am sure that the member for Geraldton would far rather see infrastructure put in place in his community than population infill in Perth. That will attract people to Geraldton and bring with them increased education and health services as well as the opportunity to grow the region. I am sure that no-one in Western Australia wants to see the population increase to two million people of which 1.8 million people live in the metropolitan area with the rest living in the vast regions. It appears to me that that is the way we are heading. When we talk about population infill in regional areas, that type of planning approval promotes that. The only way we can increase the availability of decentralisation policies is to say no, we will not infill Perth and that we will encourage people to go to Geraldton and Albany. My electorate of Merredin may then get a trickle down effect if we build up Geraldton and Kalgoorlie to be communities of 50 000 people. Merredin and Bruce Rock will benefit.

I return to my original point. People in Bruce Rock are fighting to maintain full-time equivalent positions in the Bruce Rock Memorial Hospital that are based on population. This planning process is absolutely critical for my electorate of Merredin and we have to get it right. I listened to the comments of the Minister for Planning and Infrastructure on radio last week. I must admit that I was not part of the process involving community consultation. The member for Kingsley outlined the concerns of her electorate about some of the issues of population infill. We are smarter than locating the bulk of the population of this State in the Perth metropolitan area.

Mr M.P. Whitely: People have a choice about where they live. They have a range of options.

Mr B.J. GRYLLS: The member is right; people choose where they live. I am glad the member for Roleystone spoke. I met with the community of Serpentine-Jarrahdale last week. Serpentine-Jarrahdale is about one hour's drive from Parliament. People spoke of the need for a new school in their area. The trouble is that they have only 65 students to go into the new school. Is that number correct?

Mr M.P. Whitely: Between approximately 130 and 140 students leave primary school each year in the shire of Serpentine-Jarrahdale. The number of students who would attend a local school depends on a number of things.

Mr B.J. GRYLLS: I am not just arguing for Merredin; I am arguing for communities like Serpentine-Jarrahdale. Those people want to see infrastructure put in place and they should have it. However, the infrastructure is not put in place if we infill Perth. Infilling the CBD and surrounding suburbs drives all the resources into that tight centralised area. Communities that are only one hour's drive from the CBD do not get the resources.

Mr M.P. Whitely: That is actually not true. Does the member mind if I explain?

Mr B.J. GRYLLS: Go for it.

Mr M.P. Whitely: It is the growth of communities like Byford and Mundijong that involve a mix of residential development. Some people live on relatively small lots and others live on broadacre lots. That will give facilities such as high schools to people living on broadacre lots. People with children living on five or 10 acres will receive the facilities when there is a mix of urban development. That is what the minister is talking about. It is the capacity and ability to develop towns like Mundijong with a mix of densities that will bring facilities to communities like Serpentine-Jarrahdale.

Mr B.J. GRYLLS: The member does not have those facilities in his communities.

Mr M.P. Whitely: Because we do not have the mix.

Mr B.J. GRYLLS: I certainly do not have those facilities in the communities in my electorate. We are trying desperately and dramatically to attract new population growth. We are doing everything we can to try to attract people. People say they cannot go to the community because there are no jobs. There are no jobs because there is no infrastructure. There is no infrastructure because there is not enough power in the community to power a new business. Merredin has no industrial land although 15 new industrial blocks are in the planning process at the moment as well as 17 expressions of interest. At the moment we cannot even drive the population and industrial growth in Merredin because the planning process will not allow that to happen. The planning process is not available to allow the release of that land. Even when that industrial land is made available, the power will not be there for industry that may want to relocate. I do not know what the member for Roleystone's feelings are about infilling the metropolitan area, but if the Government has an agenda to drive Western Australia's growth, it should not be done by infilling the Perth metropolitan region. It should be done in the regions, including the electorate of the member for Roleystone. The way to do that is to put infrastructure in place so that people will

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be attracted to those areas. If all of the infrastructure is located in the metropolitan area, the population will continue to be drawn there. In many regional communities the husband is left on the farm by himself and the wife and children are located in the metropolitan area to access the educational and health facilities that they think they need. That is a very real concern when we talk about hospital waiting lists and ambulance bypasses. There is perfectly good hospital infrastructure in the regions that is not being utilised to full capacity, yet there is no capacity in the metropolitan area. Instead of talking about infill in the metropolitan area, I would like to hear the Minister for Planning and Infrastructure talk about how she will use the planning process to entice all Western Australians to move out into the regions.

Talking about future planning, there has been much debate about the Kimberley pipeline and bringing water from the north of our State down to the metropolitan area. I have changed my mind about that proposal. I was a strong supporter of piping that water to the metropolitan area because of long-term prospects, but why should we pipe that water down to the metropolitan area when the planning process could be used to promote population growth in the north where the water is located? That is one of the real planning challenges that we face in Western Australia; that is, locating the population adjacent to the water resource. The Government has a real opportunity in the future to use the planning process to drive that sort of decentralisation. That decentralisation process must be driven by government. If decentralisation does not occur, two million people will be living in the Perth metropolitan area and on the coastal fringe, and nobody will be living in the remainder of Western Australia. The problems that the Port Hedland council is having at the moment are real indicators of that.

I will now refer to some of the other planning challenges in my electorate. This evening I spoke to someone from the Westonia shire council. The member for Wagin alluded to this earlier. The Shire of Westonia is showing strong population growth and industry trends following the reopening of the Westonia goldmine. Like all communities, the Shire of Westonia would like to locate the mineworkers in its community. The process to obtain planning approval through native title and the Department for Planning and Infrastructure commenced on 14 May 2002 and there are still no blocks available. That process has been under way for nearly two and a half years. The member for Wagin raised a very important point. We believe this process is taking so long because the money is not there. It is certainly more valuable for LandCorp to make land on the Mandurah coastal fringe available than it is to make the Westonia land available. The process for projects such as the Westonia land release takes so long because these projects keep getting put to the bottom of the tray and that is where they stay. That is very disappointing. During the consideration in detail stage, I will look forward to the minister outlining how this legislation will speed up the planning approval process. It is very disappointing when projects in regional Western Australia are stalled and put on the backburner because the planning approvals process is not done in a speedy manner. Planning is very important to not only the metropolitan area, but also the regions. Other members who have spoken in this debate have also raised concerns about the processes.

I register my concern that the National Party has not had the necessary briefing on this Bill from the minister's department. That is very disappointing, because we need to make a presentation on what is quite a complex Bill. Normally I refer to the second reading speech to gain a broad understanding of what a Bill is about. When I turned to the second reading speech of this Bill, I found that it was half a page long. It certainly sheds no light on what the Bill is about; it provides little information. The National Party is desperately trying to get a briefing tomorrow. I do not know whether we will be successful. That is something that the minister also needs to address. If she wants an open and informed debate on these pieces of legislation and the difficult-to-understand issues, her department must make briefings available to both the Liberal and National Parties.

The member for Wagin raised the issue of tied agricultural lots. Obviously that is of concern to us and our constituents. Aside from the comments that the minister will make when summing up the second reading debate, we will be none the wiser about that issue. We will have to flesh it out during the consideration in detail stage.

Without repeating what the member for Wagin said - I did not hear his whole speech - the key issues we want the minister to address include landowners not being limited to a period specified in the local scheme for making a claim for compensation. As far as we can see, this legislation also confirms that there is no entitlement for compensation. That is something we want to flesh out during this debate. As put forward by the member for Wagin, tied agricultural lots are another concern about which we would like more explanation. We also want further clarification of the Government's intent regarding the introduction of the category of public purposes of the State as one of the purposes for which land may be required in the declaration of a planning control area.

As I said, I do not need to use all the time that has been allocated to me in this debate. This Bill is important to the future of Western Australia. It is imperative that we get the planning approval process correct. As I am sure has been outlined by previous members, a large debate about property rights and how far property owners' rights extend is currently raging. The planning process plays a very big part in that.

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I will finish on the following point: as regional Western Australia tries to grow its economy and its business sector, it needs speedy and efficient planning processes. Further, country shire councils, which do so much work, must be allowed to put their town and regional schemes in place. They must be supported by the Department for Planning and Infrastructure so that their wishes and needs can be met and so that they can get on with the job of developing their regions. As I said, at the moment it is not happening in Westonia. It is certainly not happening in Merredin, with the lack of residential land and industrial land. I could go through every community in my electorate that is having a problem with the planning process and the approvals process through the Department for Planning and Infrastructure.

I look forward to hearing the minister's comments in this debate, and I also look forward to putting on the record some of the concerns of the people who live in the Merredin electorate.

MR R.N. SWEETMAN (Ningaloo) [9.05 pm]: My comments in this debate will be brief. However, as with other speakers before me, I wish to commit to the public record some comments that relate directly to the legislation, and probably some that relate to it more obscurely. On the face of it, it seems to be a commonsense approach to take to the existing three pieces of legislation that will basically be promulgated into one. To not necessarily quote verbatim from the second reading speech but to paraphrase it, it will make the process a lot more user friendly and hopefully expedite it. Certainly, I believe that is the intention. That would be a reasonable start in the planning process.

I know that local government has expressed some concerns about the new legislation, certainly if it makes more prescriptive - I know that local government will not necessarily like this - some of the issues relating to planning approvals that local governments deal with. Prior to and then being involved in local government, and prior to being a member of the State Parliament, I had some experience in dealing with local governments on matters of consistency in the issue of planning approvals for various developments. In the past couple of years there was a case in Carnarvon in which planning approval was given for a development. I am very supportive of the approach that the local government, the Shire of Carnarvon, took in this application, in that it was flexible and accommodating. It sat down with the developer and worked through the issue from start to finish. Would that that had always been the case. On occasions there were appeals to the minister, and there are now appeals to the tribunal, over planning issues because developers felt aggrieved. They felt as though they had been personally set upon, singled out for particular attention by local government and discouraged from investing their money, for whatever reason, in a local community. Closer attention must be paid to that. When somebody comes along, whether or not it is someone that the council may immediately be enamoured with, there should certainly be some fairness in the way in which people who want to do a development within a town planning scheme are accommodated. I believe that is one of the issues. Hopefully, if this legislation deals with that, that will be a win in itself, so that local government starts to interpret its own Act and the state Act, as they relate to each planning matter that it deals with, in a more consistent manner.

I will move on from that. I have read through as much of the legislation as I could in the short time it has been available to me to determine what other Acts may be amended as a consequence of this legislation being proclaimed. I have a lot to do with the pastoral area in my electorate. I am only guessing, but I would have between 180 and 200 pastoral leases in my electorate - perhaps a few more. I have looked at the complete rewrite of the Land Administration Act that was passed by this Parliament in 1997, and particularly the changes in that Act as they relate to pastoral leases. I cannot see how some of these issues will not be linked to pastoral leases. I know that they can be deemed to involve land administration and to some extent environmental and agricultural matters. They can involve a range of government policies and agencies and even the various ministers who are involved in the administration of land; that is, in planning, land title and those sorts of things. In rewriting the land administration legislation in 1997, one thing that was changed was to permit other activities on pastoral leases. That was a very good move. It was a positive move, because it enabled pastoralists to become more viable. It enabled them to get away from traditional activities, such as grazing a certain variety of stock. Even now I understand that authorised stock includes feral goats. Traditionally there have been a range of pastoral activities, and those activities have now expanded within themselves. The Land Administration Act 1997 contains provisions for pastoralists to undertake a range of other things, including tourism and horticultural activities. A pastoralist can do whatever he thinks may be viable for him to do. It might involve foraging, broadacre farming, aquaculture and things like that. That is allowed under a permit system.

One problem that seems to have manifested itself in recent times is that permits do not bestow permanency or provide security of tenure to pastoralists. I heard the Minister for Agriculture, Kim Chance, on the resources report on the radio last week. He seems to be entertaining an idea. I think this relates to a planning matter. The Minister for Planning and Infrastructure and her agency and people should be dealing with this issue, rather than the Minister for Agriculture saying those things on the radio. By saying those things, he clearly is giving support

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to the notion within the pastoral industry that if a pastoralist applies to do certain things with his pastoral lease under a permit, he should get preferential treatment with the issue of freehold, which is an upgraded form of tenure that could devolve from the crown estate. Pastoralists currently control the land but under a crown grant for the purpose of pastoralism. The minister basically said that he must argue against the National Competition Council on the basis of competitive neutrality as a reason for not going out to public tender, as our State Supply Commission Act insists. I give the Government credit for that, because its policy is to always go out to tender on the acquisition of crown land; that is, when title shifts from a lease to an upgraded form of lease or freehold. That is a positive initiative.

I had a meeting with the Minister for Planning and Infrastructure and representatives of Beta Nutrition Ltd when Cabinet met in Carnarvon. Under a permit issued by the pastoralists on Boolathana station north of Carnarvon, Beta Nutrition is currently involved in growing beta-carotene. The company is applying for an area currently covered by a Rio Tinto mining lease on Lake MacLeod for the purpose of growing salt and mining gypsum. Over seven years this company has spent a lot of time and money trying to commercialise its technology and the various patents it holds in relation to harvesting beta-carotene. Having gone through the trial process and having had reasonable success with the pilot plant, the company now wants to expand and operate on a larger scale to bring the technology and production into commercial reality. The company wanted to petition the Minister for Planning and Infrastructure to bypass public advertising for the land. It wanted the Valuer General to assess what the land was worth and it would pay that amount. I cautioned the proponents from Beta Nutrition prior to the meeting, because to my mind, and I am sure to the minister's, that would create a precedent. We all know that pastoralists have seemingly given up their argument for freehold of the crown estate and want either rolling or perpetual leases. A real problem is looming, and the Government will have to deal with it in the interests of the broader community, taking into account the public interest. I have had a difference of opinion with many of my very good pastoralist friends. If their forebears could exist on fixed-term pastoral leases, I cannot see why, after two, three and four generations of pastoral occupation, they could not do the next 45 or 48 years on a fixed-term lease as well. I know the minister has been seriously lobbied for a long period to upgrade those leases to, at the very least, rolling or perpetual leases. I am not in favour of that, and the minister knows my view. That is why, joining the two together, Beta Nutrition was arguing that it wanted to circumvent the process, and not go to a public expression over this land, because it might not be the successful party. The company's competition may see that the Government is advertising the land and outbid it, which would not be in Beta Nutrition's commercial interest. After outlaying around \$3.5 million, the company said it deserved the right and, on the face of it, it certainly did. At the same time it creates a serious precedent for the pastoral lease area, which is nearly 40 per cent of the State. I am sure that the minister wants to avoid that. I certainly want to avoid it. In the end, the minister was able to persuade the proponents that although she had the discretion to waive those provisions of the Act, government policy was that the land would be advertised for expressions of interests as per the requirements of the Act. However, although the minister could not give the company any guarantees, she said that certain guarantees would be required as part of any expression of interest or bid for the land. In the end, I went away happy, and the proponents from Beta Nutrition were comfortable that they would end up with the piece of land they were after. No precedent is created in relation to pastoral lease.

The House may be aware that, over a period of time - it started as a coalition government initiative as a consequence of hard times in the pastoral country - a scheme was devised called the Gascoyne-Murchison strategy. It started off with seed funding of about \$45 million, and there was further leverage off that. I do not have a clue what the final amount will be when the dust settles on the Gascoyne-Murchison strategy, which is a month away from conclusion. I was anxious about it at the time. I had better not name the person - a former minister - because he might want to remain anonymous about some of his comments about the Gascoyne-Murchison strategy, but I concurred with one critic at the time who said that the strategy amounted to one of the biggest welfare packages ever offered to industry in this State. That was certainly the case. At the time the motivation and legitimacy of the strategy was that the pastoral industry was in a pretty difficult state in the Gascoyne-Murchison region as a consequence of the collapse of the wool price. The way in which the program has developed has created problems. I will not deal with the agricultural problems, because I would be digressing too much from the legislation. However, in making these grants to enable pastoralists to be more viable and conduct other activities on the rangeland, a lot of money has been spent through the Department of Agriculture, which has acted as an industry advocate. It has almost become an alternative peak body to the Western Australian Farmers Federation and the Pastoralists and Graziers Association in representing the needs of the industry to the Government. It has been particularly active, in my mind, in a planning and land administration area, and we need to be cognisant of that. We can understand the points of view of the stakeholders and landholders out there. They have legitimate rights - in every respect the same rights as if they owned the land freehold. However, the Crown in this State must retain its right in that estate. It must remain

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crown land. Our forebears had the presence of mind, intelligence and wisdom to determine that that was the best use for that part of the crown estate, and devised something called a pastoral lease. I know that it is not the same in other States. No other State has the same land form as Western Australia does now. However, I simply do not believe that because other States have changed their land tenure system that is a reason for changing our State's land tenure system. I believe those States have made a serious mistake. An article in *The West Australian* recently by Cathy Bolt said that pastoral lease values have lagged behind those on the east coast. If that is not a ringing endorsement of fixed-term leases, I will go "he". There has been talk about the appreciation in the value of the land. However, if we were to gift across land in the form of a rolling or perpetual lease, which is similar to that which applies in some other States, there would be the same escalation in the value of crown land but without the Crown getting any benefit from it. It would just ramp up the value of the estate. At some time in the future, if the Crown wanted to deal itself back into the game or exercise its right to that crown land, it would have to pay a premium for something that over a period it gifted across to the title holder. That is a matter about which we, the Parliament as a whole - not just the minister, her agency or even the Government - must be aware. We are in this place to represent the best interests of all citizens of this State. I will continue to shout from the rooftops about what I foresee as a very serious development within the next 12 months or so. I am sure that when the new Government comes into power - whether it comprises those on the government side or those of us on the opposition side - one of the first issues to be dealt with will be what to do about pastoral leases and what form of title they should take from 2015. I encourage the House and those few members present in the Chamber to take on board some of my thoughts, to make up their own minds and to do their own investigations and due diligence checks. We must keep our options open on the crown estate, and the best way for us to do that is to preserve a form of lease called a fixed-term pastoral lease.

I have been advised that tomorrow we will be dealing in private members' business with the Monck Head boat ramp. I will speak then about planning issues along the Ningaloo coast, the Carnarvon-Ningaloo coastal strategy and matters like that. I do not want to repeat myself in private members' business tomorrow or not have enough to talk about by exercising my right to talk about those matters now; therefore, I will bypass them. However, I think I have made the points I need to make.

In closing I will comment on the change to town planning schemes. I note in this legislation that there will be some changes to the way in which town planning schemes are amended. During my time in local government and in the eight years I have been a member of State Parliament, many issues have been brought to me that were really problems created as a consequence of shires moving to implement a new town planning scheme or amend an existing town planning scheme because developers have applied to a shire to amend the town planning scheme so that they can rezone a section of land to facilitate development and the like. It just seems to be an absolute muddle. It is a drawn out, time consuming, expensive process for everybody. If this legislation, by the amalgamation of these three Acts into this Planning and Development Bill 2004, circumvents or streamlines that process, then that in itself will be a huge win. I hope the legislation does everything that the minister in the second reading speech claimed that it might.

MR J.L. BRADSHAW (Murray-Wellington) [9.23 pm]: I will just say a few words on this Bill with regard to planning and infrastructure. One problem I see is that the Department for Planning and Infrastructure appears not to be doing the things it should be doing. An example of that is lot 295 Alderson Street, Pinjarra. Probably a couple of years ago now, Mr Laurie Galloway and one of his partners bought that block of land, with a proposal to subdivide it, from the former Department of Land Administration. When they put in their proposal to subdivide the land, they got a letter back saying that the land was regarded as a wetland. The response from the Minister for Planning and Infrastructure about this block of land reads -

Thank you for your letter of 29 October 2003 to Hon Dr Judy Edwards MLA, Minister for the Environment, in regard to the abovementioned land. Following Dr Edwards' reply, your letter has been referred for my attention because some issues you raised come within my Planning and Infrastructure portfolio.

Lot 295 is within an area described in the *Inner Peel Region Structure Plan, 1997* (IPRSP) as being low-lying, prone to saturation and flooding during the wet season, and notable for the presence or rare flora and threatened communities. The IPRSP classifies this specific property as *Natural Resource Protection Area - Subject To Further Study*. This classification applies to areas of bushland in good condition requiring further studies to determine appropriate mechanisms for their protection. The IPRSP indicates the possibility of more-substantial areas within this classification being considered for inclusion within the Regional Open Space reservation under the Peel Region Scheme. However, it does state that such land may not be reserved and should receive appropriate recognition in local planning schemes.

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The Peel region scheme was brought out in 1996, and it identified this land as possibly land of interest to the Government. A government agency actually owned that land at the time; namely, the former Department of Land Administration. After the draft plan for the Peel region scheme came out and was put in place - I do not think it had actually gone through Parliament at that stage, but it was still recognised by the shires and the Government as being of interest - DOLA put up the land for sale and some private people bought it. The Department for Planning and Infrastructure did not buy it, which is what should have happened. Therefore, these people went through the process of trying to subdivide this land. A facsimile from the Department of Environment was sent to Henry Dykstra about the rezoning of that land, which states -

Thankyou for your recent referral of the subdivision guide plan and wetland assessment for the above mentioned rezoning. I have reviewed these documents and offer the following comments upon the proposal:

- The wetland assessment report compiled by Lindsay Stephens has confirmed that the Conservation Category Wetland located in the west of the proposal is of “high conservation (value) based on potential for rare species” and that “most of this vegetation assemblage has been predominantly cleared in the local area”. On the basis of this, further loss of this vegetation type cannot be supported, and the area must be effectively conserved.

How weak is the Department for Planning and Infrastructure when it allows DOLA to sell this block of land to people who are buying it to subdivide? It has obviously cost these people a reasonable amount of money. I will read part of the letter that I wrote to the Minister for the Environment, Dr Judy Edwards -

Laurie Galloway and a partner bought this property of around 45 acres to subdivide. The land was bought from DOLA and in Mr Galloway’s words, “they paid a price in line with developing (subdividing) the land”.

Since they have applied to subdivide, they have been required to undertake an environmental study with regard to the wetland and as a result the Department of Environment has indicated 15 acres has to be separated and not be included in the proposed lots. This takes a large percentage of land out of the equation and risks the viability.

I find this quite incredible! As a local member of Parliament, I went through a lot of pain with the Peel region scheme when it was brought out in 1996. I must admit that it came out under the coalition Government, but it caused me a lot of pain. In this case DOLA owned the land; however, in other cases involving privately-owned land the owners of that land felt angry that their land was being imposed on by the Government of the day. The Peel region scheme identified the land as having some conservation value. One would have thought, therefore, that that piece of land would not have been allowed to be sold by a government department to a private individual. One would think that under the circumstances the land would have been bought by the Department for Planning and Infrastructure, or that a question mark would have been put over it indicating that people should beware of buying the land. Instead, the former Department of Land Administration sold it, because government agencies in this day and age seem to work under a different scheme; they seem to be there to make whatever money they can for themselves and not worry about the consequences for people who might be put in this position. It is sad that these people now have this block of land that has those restrictions imposed on it. It has cost them money to have an environmental plan undertaken. It is quite crazy.

I was approached by some constituents about a year ago about the greater Bunbury region scheme. It was proposed to reserve for regional open space about 253 hectares of private land - a portion of locations 7 and 14 Buffalo Road, Parkfield. The Smiths own that property and they came to see me. I think as a result of satellite photography somebody said that the land was of value. It had been cleared and had stock running on it. It was identified as being of significance for regional open space. I do not know whether officers from the Department for Planning and Infrastructure or the Department of Environment came to study the land, but they drove up in a vehicle, looked over a fence and did over-the-fence planning. Have members ever heard so much rubbish as over-the-fence planning? They said they needed the land for public open space. They did not bother to contact the Smiths and say that they wanted to look at the property and ask if they could drive around it. The land covers 253 hectares. I do not know if any member knows what 253 hectares looks like, but it is about 700 acres of land. Those officers simply looked over the fence and said that the land was of significance to them, because somebody had taken a photograph from a satellite and identified the land.

Another part of my electorate has been mentioned in “InsideCover” during the past few months. A wetland has been identified in a quarter-acre property in North Dandalup. I remember way back when the Department of Environment conducted a study and identified the football oval in Busselton as a wetland area. One wonders how effective such studies are.

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Mrs C.L. Edwardes: It sounds like the Swans-West Coast ground. That would have been a wetland.

Mr J.L. BRADSHAW: Yes, but both teams had to play on this. I can remember when Perth Football Club used to be at the WACA ground. Because the drainage was not too good in those days, on certain days the ball used to float on the oval which was under water. However, I digress.

People in the south west have problems with region schemes. To some extent I support region schemes, because they identify land and its future usage. I had a problem with the Peel region scheme. I did not represent the Murray shire when the Peel region scheme was being drafted, but, unfortunately, the election was looming at which I would pick up the Shire of Murray. The Peel region scheme was announced out of the blue. I attended a public meeting at the Pinjarra Trotting Club during the lead-up to the election because it was to become part of my new electorate. There were 200 or 300 very angry people at that meeting who said - I will not say what they said because it is unparliamentary. However, they were not very impressed with the Government or the local member of the day. They are still very angry. The Government is now reaping the benefit of the greater Bunbury region scheme because the same thing is happening down there. At that time I said that the Government of the day should have handled the matter better. I attended meetings with various people from the planning department and they said they would not do it that way again. They said they would do it differently in the future. The next thing I knew the greater Bunbury region scheme popped up and the department handled the matter in exactly the same way as it handled the Peel region scheme. The department does not give a continental about the people there. It just rips in and identifies land, generally from satellite photography, and tells the people that the department wants the land because it contains some bushland. I found that the bushland in the Pinjarra area had been cleared and a lot of it was regrowth. It was not brilliant land. However, because it had some growth on it, the department said it had to have it for public open space or for the bushland plan or whatever. The problem was that people were unsure about the value of that property and about how much they would be compensated for the land that would be grabbed off them in due course. A similar thing will happen in Bunbury. I have been let off more lightly in the Bunbury area because only part of it affects my electorate, whereas I can assure members that I copped hell in the north end of my electorate and lost a lot of votes because of it. There is nothing with which to compare the values of the properties. The Government says that people will get unaffected values. However, there is nothing to value the land against because it includes the whole area and there are problems with putting values on it. In fact, the Government either has bought or is attempting to buy some of the properties. The people are not happy with the values they are being told they will get. That will be a problem for the Government.

Another area that has had a great effect on my life and is of great concern to me is Alcoa's Wagerup refinery. A few years ago Alcoa indicated it had a problem with its refinery. It did not admit that to begin with; it said its emissions were within the permitted limits and that the company was not causing any problems. However, eventually it realised that it was not winning the battle because people had become ill from the factory's emissions. Therefore, Alcoa drew up an A area. It did not call it a buffer area; it was called a special protection area or something - I cannot remember exactly what it was called. Obviously the Government is going along with that scheme because no-one has ever said it cannot be done. Nobody can say that the A area is suddenly a special protection area. Obviously the current Government is going along with the theme of Alcoa's operations. Again a situation exists whereby people in the Yarloop area and Hamel have decided that they want to sell out. Alcoa has indicated it will offer them a 100 per cent unaffected value of their property plus 35 per cent and another \$6 000 to relocate. However, the problem is that the people do not want to relocate. They do not want to go. They have friends and family in the area and they have lived in Yarloop all their lives. Alcoa has said that the situation will only get worse rather than better because it is talking about doubling the size of its production, which means doubling the output. Even though its publicity material says it will not produce any more emissions into the area, can members believe that? I cannot. If Alcoa is unable to control its existing emissions, I cannot believe it will be able to control the extra emissions it will be putting out when it doubles its production. People are selling out and leaving the area. However, most of them want to be paid a relocation value that will enable them to buy a similar property elsewhere and not be out of pocket. That has been one of the big problems. Some people just do not want to go. They want to stay in the area because that is where they have lived for all of their lives. I have some friends who are now in their seventies. They have a beautiful property and they do not want to leave, but they are affected by the emissions. I find it interesting that Alcoa has drawn up an A area, or a special protection area - I think it has a different name for it, but I cannot remember what it is, as I have said - and the Government seems to be going along with it.

Last year, three ministers came to Yarloop - the Minister for Consumer and Employment Protection; the then Minister for Health, Mr Kucera; and the Minister for State Development. They did not announce to anyone that they were coming to the area. One would think that protocol would dictate that the local member and the local governments of Waroona and Harvey would be informed. However, protocol does not matter with this

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Government. There was just a small advertisement in the local paper on about 5 or 6 June last year that said that the Medical Practitioners Health Forum would be holding a public meeting in Yarloop. I intended to go the meeting, because as the local member I am very interested in what is happening in the area, and also because the Alcoa issue has been a big problem to me. I am still very involved with it and sympathetic to those people who are affected by it. On the Monday on which the meeting was to be held, someone told me that a minister would be coming to the meeting that night. I said that could not be so, because there is a protocol, and the minister would let me know that he was coming. I went to Rotary that night, and someone told me that not one but three ministers would be coming. I said that is not right. When I rocked up to the meeting in Yarloop at about eight o'clock, guess what? There were three ministers at the meeting - the Minister for Consumer and Employment Protection, the then Minister for Health, and the Minister for State Development. They made a slick presentation about how they would look after Yarloop and conduct a sustainability study. All of a sudden the buzz word is sustainability. I am not sure how I started to get into this story. These ministers turned up, and it was a very interesting meeting. It was chaired by Professor D'Arcy Holman. At the end of the meeting I said to Professor Holman that I would not mind saying a few words. He said no, he did not think I should. I said to this guy, whom I have known for a few years, that I did not care whether he thought I should speak or not speak; I was going to speak. I got up and said to the ministers that they can say whatever they like about sustainability studies etc, but what the people want is for the emissions to stop so that they can get on with their lives. I have some good friends whom I have known for 35 years, Graeme and Gail Wickham, and their son. They have had a family farm in that area for over 100 years. However, they are being greatly affected by the emissions from Alcoa. They are not in the A area, so they will not be bought out. I said what I thought about the sustainability study. I can tell members that the slick presentation did not go over too well with the locals. The ministers then went away and formed a ministerial council, which I think comprises the Minister for the Environment, the Minister for Consumer and Employment Protection, the Minister for Health and the Minister for State Development.

The Government realised there were two marginal seats and it decided to undertake a sustainability study from Pinjarra to Brunswick Junction. It employed Simon Holthouse as chairman of the committee. It involved the Peel Development Commission but I do not know why it did not involve the South West Development Commission. It should have because the South West Development Commission is involved in the area. It also included people from the local shires. The sustainability study involves looking at all the things necessary to get people to live in the area and to make it a better place to live. Wagerup has been ignored because that is too hard. I attend the meetings that are held to get the locals to talk about what is needed. The organisers pulled out the butcher's paper. It always worries me when people do that because those people have been to university and they know the buzzwords. They pulled out the butcher's paper and wrote about what people would like such as bus services, hospitals and this and that. All the information is to be collated. Guess what? They have been told that it must be ready this month. Why do people have to be ready this month? It could be that the Government is readying itself for an early election. There may not necessarily be an early election but the Government is covering all its bases. It will issue its sustainability study next month on the area from Pinjarra to Brunswick Junction. The area just happens to cover two marginal seats. The Government will say that it will do wonderful things for people in the area. Being a bit cynical and in this job for too long, I have a worry that the report will be released and the Government will try to make people feel good because the Government will do all these wonderful things. The election will come and go but the study will sit on the shelf and nothing will happen. As I have been saying for a long time, the Government should pick one town and decide how it can make people want to live there. It should do up the town and, if it succeeds, it should then move to the next town and do the same. A lot of country towns are suffering because people do not want to live in them. People want to live by the water. We can make places like Waroona, Pinjarra, Harvey and Brunswick Junction great places in which to live. However, we have got to put extra effort into doing that. I have been saying it for a few years; I said that in some of my speeches two to three years ago. The Government has gone down the route of conducting a sustainability study from Pinjarra to Brunswick Junction and I believe it is trying to bite off too much at once. Being cynical, it is probably because of the next election. It will issue a report stating all the wonderful things it wants to do for the area. The election will come and go but it will not happen.

There are problems with the planning sector. As I pointed out with the Peel region scheme, I think it was a mistake. Our Government was responsible. I was told that that would not happen again. However, the department has done it exactly the same way in Bunbury. There was no consultation with the people and, all of a sudden, the plan was released. People were adversely affected by it.

I attended the launch of the campaign for the Liberal candidate for Peel a few weeks ago in Baldvis. Some of the people who attended that function felt adversely affected by the plan for Baldvis. It was supposed to be a pleasant event but, one after the other, the affected people spoke of how they have invested in their land for their

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futures but the land has been devalued. They thought that they would receive money from the land to live off for the rest of their lives. All of a sudden the land has been devalued. It is sad because Governments do not care. I have seen people's lives destroyed through some of the planning. It is very sad. There is a lack of interest in this debate. I do not know where the government members are. There are only two government members in the Chamber. Interestingly, the Minister for Planning and Infrastructure is not in the Chamber.

Mr J.C. Kobelke: Because we brought this matter on at a time you requested. The minister had a commitment. She has staff present and she will answer all the questions.

Mr J.L. BRADSHAW: I was under the impression that the minister wanted this matter brought on today, not us.

Mr J.C. Kobelke: We wanted to do it two weeks ago and you were not ready, so we deferred it.

Mr R.C. Kucera: I also note the comments made by the member for member for Murray-Wellington about his Government's track record, not about ours.

Mr J.L. BRADSHAW: It still comes down to the fact that the department could not care less about people's land, the value of their land and the feelings they have for that land.

Mr R.C. Kucera: I am sure if I read *Hansard* it will not show where you crossed the floor.

Mr J.L. BRADSHAW: As the minister knows, when the Peel region scheme was introduced in this place I put forward a disallowance motion because I did not think people were confident that they would be treated properly. In a sense I support the plan, but I was concerned about the way people were treated. People must be treated with respect.

MR A.D. MARSHALL (Dawesville) [9.51 pm]: I would like to make a contribution to the debate on the Planning and Development Bill 2004, because in 1995 or 1996 the Minister for Planning, Richard Lewis, asked me to chair the Peel region strategy to decide the future of the Peel region for the next 10, 20 and 50 years. That excited me, because when I won the seat of Murray in 1993, I felt that the expansion of the Peel region was just beginning. We went to the polls in 1993 when country electorates were supposed to have 10 000 constituents. The seat of Murray - which was the subsidiary seat to Mandurah - already had 15 000 constituents. A few years later the explosion started. It is now recorded that Mandurah is the fastest growing region in the metropolitan area, and the Peel region is one of the fastest growing regions in Australia. This was recognised by the Court coalition Government and the Minister for Planning, Richard Lewis, in 1993. In 1996 there was a re-evaluation of electorates and the seat of Murray became Murray-Wellington, and Dawesville became an electorate in its own right. Dawesville is now running at 20 000 constituents, when it was predicted to be running at only 12 000. All that explosiveness was recognised by the Minister for Planning, Richard Lewis, back in those days when he asked me if I would chair this new Peel region strategy. I knew nothing about planning. It was one of the greatest periods of education I received during my 12 years as a member of this House. Planning is something Governments cannot budge from. The minute someone gives a lobbyist an inch it becomes a yard, and 10 years later it becomes five miles. The essence of planning is destroyed if one gives in. That is why I am concerned about this legislation, because planning must be millimetre accurate. I learnt that in 1993. This committee appointed to set up the Peel region strategy included four state planners. They were the gurus who knew everything. I learnt a lot from them. To provide balance, the committee also comprised two planners from the City of Mandurah and one from the Shire of Murray. It also comprised people from the area who represented agriculture, industry, the environment and the housing boom that was about to take off. The whole idea of the Peel region strategy was to provide a buffer. I realise that the Minister for Peel and the South West, who is in the Chamber, was a policeman at the time and is probably not aware of the structures that were in place. He now boasts - rightly so - about what the Peel has to offer. In those days it looked as though the urban sprawl would overtake the Peel region. In his wisdom Richard Lewis wanted to stop that.

The Peel region has its own identity; it is special. People move to the Peel region to experience something different from the urban area so we had to put buffers in. There had to be a buffer around Rockingham, so industrial areas in the south were appropriately planned. The different-sized urban developments - there were small and large blocks and five-acre special rural blocks - had a characteristic that kept the Peel alive. We then had to deal with environmental and sport and recreation areas and public open space. Ten years ago many people would not have known about that. However, I was absorbed in it. I could see the wisdom and the vision, and I was proud to be the chairman of a committee that comprised gurus who had a vision about what the Peel had to offer. It was exciting. I was chairman of the Peel strategy committee; however, having been involved in business and sport, I was also a professional. I believed that a person should start and finish on time. I did not like slow coaches because they only held things back. I dealt only with champions and believed that people were judged by the company they kept. I wanted to make that committee the best strategy group ever involved in planning in Western Australia. We did it. We got the strategy through in six months. Unbeknown to me at

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the time, that was a record. As chairman I made sure that when the planners met for their monthly meetings, they were ready to give the results of their explorations. I made sure that my community groups had an opinion. We set up that strategy in six months. I thought that was pretty good. Then I realised that strategies can be changed in politics and Parliament, and that a scheme was the next thing to happen. We had public consultation on the scheme that looked at the future of the Peel region for the next 10, 20 years and 40 years. Our scheme was finished in eight months. It was way ahead of its time. Everyone was proud of the scheme and its presentation. Indeed, it won a national award. The minister took my team's glory.

Coming into the 1996 election, we were a little bit behind on the Peel Regional Park. The Peel Regional Park had been promised by the Labor Government pre-1993. The then member for Murray, Keith Read, for whom I have a high regard, formed a committee to evaluate the need for a regional park in that area. All that information and work laid dormant for the next four years. However, the member for Mandurah was very keen to get the Peel Regional Park up and running before the 1996 election. Therefore, as a committee, having won those awards for our strategy and our scheme, we were asked to put forward, in three months, the Peel Regional Park and include it in the Peel plan for the future.

All the work had been done by the Labor Government, so it was quite easy. The state planner said that there was no problem with it at all. My subsidiary contributors were the agricultural people, the industrial people, the urban development people and the environment people. The environment people were up in arms. They said that it was fantastic and we must have the Peel Regional Park. I kept learning all the time over that span of three years, and, as an environmentalist, I agreed. The Peel region is marvellous. It is not tarnished by the metropolitan sprawl. It is large enough and centralised enough to make everybody who lives there feel special. There is an old saying that if people do not know where they come from, they are in trouble. However, if people know where they come from and there is always somewhere to go back to, they can take on the greatest challenges in their lives and succeed. People must know to whom they belong and where they can go back to. The Peel region is special because of that.

The Peel Regional Park seemed to be the blend to preserve a portion of the area around the magnificent waterways. In generations to come, our great grandchildren, for instance, will be able to get off their boats, step ashore onto public open space, have a picnic, go to the ablution block or do whatever they need to do, and feel that they belong to the Peel region.

In three months - in haste, I admit - working on all the evaluations of the previous Labor Government pre-1993, our planners put together the Peel Regional Park submission. The Peel Regional Park submission was involved in the Peel region scheme, which eventually became the Peel regional plan that was ticked off by government, and everyone observes that document. Unfortunately, the haste to which I referred upset two sections of the community. I want members to remember that this scheme won awards around Australia. It was the forerunner of schemes to control population expansion; yet two things in the Peel Regional Park scheme upset, first, the landholders and, secondly, the kennel people. It is very difficult to classify a section in any area for people who are involved in the canine industry - kennels. For a start, noise is a factor. The people from the canine industry complained about that section of the plan. I tried to tell them that they were in swampland, and that was the reason they were able to have that classification. Their land was worth \$30 000. However, by being classified industrial, it would be worth \$250 000 and be the best investment they ever had. However, 60 people complained. Therefore, we made adjustments. However, the most annoying factor for me was the greed of landowners regarding 50 metres of public open space on land that a majority of them had inherited but others had bought. They complained that they would not be properly compensated for the land that they had to give away. I was astounded. It even came with the condition that the 50 metres of open space that they had to forgo would be given up only when they sold their land. At that point the Government would offer a price for that land and the landowner would put forward his price for the land. If they did not agree, an independent assessor would then determine the price of the land. As chairman I could not think of anything fairer than that, yet we had uproar in the Peel region over that. I classed that as greed. When I look back at how Lord Forrest claimed the Kings Park area as public open space, I am intensely proud of that man. I never knew him, but in his era, how did he have the foresight to say that Kings Park would be a public open space that would attract tourists from all over the world and would not be a place where wealthy people would have their houses on the hill or where corporate bodies, international and the like, would own the best sites in Perth? How did Lord Forrest have the imagination, determination and foresight to say that Kings Park was for the people? The more I thought of that, the more I was determined that the Peel Regional Park would be a place for the people into the future in Western Australia.

The Peel waterways are the marvel of that area. They are three times the size of the Swan River and are still to be discovered tourist-wise and living-wise. Already the price of blocks has gone enormously high for anyone

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who can get near the water. People have to be able to use the waterways, so that they can step aside and experience freedom. In years to come there will be no adventure for our children. Everything will be tied up. In Europe, the wealthy own the entrances to all the waterways. In Belgium, Denmark and Finland one cannot get to the waterways. Heritage wealth owns it. I might be sounding like a socialist here, but I have to say that I believe that the future of our country is not based on individual greed.

What happened? In 1996 we went to an election. I was the chairman of the Peel region scheme strategy group. We had not reached the plan at that stage. What happened? Richard Court came to Mandurah two weeks before the election and 80 people from Pinjarra marched with placards saying what a rotter Arthur Marshall, the chairman, was for taking away their land rights. I can tell members that I took them all on. I wore underneath my other clothes every footy guernsey that I had ever had, because they did not have the vision. They had the greed. I am an advocate of planning. Most of these people had inherited their land, which is why I had no sympathy for them. I could see how the people who had invested in and seen the beauty of the area and wanted the right to have a water entrance could feel hurt. Once they had decided to sell, which might have been a decision for another generation, the Government would give them a price and they would put forward their price. If they could not agree, an independent arbitrator could come in. To this day I cannot understand the selfishness of people who want to rip off the Government, every taxpayer and the future of the State over a regional park.

[Leave granted for the member's time to be extended.]

Mr A.D. MARSHALL: In 1995 a public meeting was held in Pinjarra. As the member for Murray then, and the member for Dawesville now, I realised that people liked sportsmen. Wherever I went, people liked me. I went to this public meeting about the Peel Regional Park strategy at Pinjarra. I was deceitfully told that there would only be about 50 people there. I went with the member for Murray-Wellington, who was then the member for Wellington. Also present was our number one state planner, who unfortunately stuttered, which was a bit of a worry. The meeting was attended by 350 people, all of them after our blood. Our committee was on the head table. I will advise some of the younger members about the biggest mistake I made at that public meeting, which was the first I had ever experienced at which people hated me. The convenor of the meeting, who was neutral, said that we should sit at the head table. The first person to speak stood about a metre away from the table and said his name. For his sake, I will not mention his name, because he made the greatest fool of himself I have ever seen. He said he had more land and more money than anyone in the region, and no-one would take that land from him. We were sitting down, but sportsmen go chest to chest, so I stood up, thinking, "Who is this dopey bloke". I said to the - who was it?

Mr D.A. Templeman: The facilitator?

Mr A.D. MARSHALL: The facilitator - the member for Mandurah makes it into *Hansard*! I said to the facilitator that I wanted an apology and the previous speaker's remarks struck from the record. I had never, in my history of public meetings - this was the first one I had ever been to - heard a man boast about his wealth and his land rights. I said that I thought he had been drinking, and that his statement should be struck from the records. The man leant over the table, a metre from us and said "I will get you, you and you!" The then member for Wellington nearly shrank under the table. He let me down! No - the member for Wellington came to me and said he was with me and that we would get this bloke.

Mr J.L. Bradshaw: Thank you very much for the support, but that is not true!

Mr A.D. MARSHALL: The chief state planner started to stutter. There was no way he could get out any words of support. I arrived home at about 2.00 am and my wife asked me whether I was all right. I told her to listen to my heart, which was still pounding. I had never known 350 people to hate me, and it was all about greed. It was all about the Peel Regional Park, which the previous Government had rushed through on the evidence of the pre-1993 Labor Government, but the people did not like it, because they would not be compensated at the right time. Some people wanted to sell their land, but once a strategy or scheme is commenced, things take time to be legislated, and so forth. If I write my memoirs of my time in Parliament, that will be one of the things I will mention. One bloke - I would not embarrass him by naming him in *Hansard* - had come to me about it and we asked one of the planners to check his land. His mother's land had been incorrectly evaluated as being on the water, and I saved it. However, that same bloke at Pinjarra wanted to make a big note of himself with me. After the meeting he came up to me and said, "I didn't think you'd do that to me. I would have got you on a football field the minute they'd bounced the ball." I said, "No, you wouldn't; I would have got you coming out of the race."

I have to say that planning, particularly when we are dealing with people's lifestyles, is an education. We must be careful and we must do it right. As I said, planning is something that we cannot move a millimetre on without lobbyists getting at us. The moment a minister for planning has a weak streak, a future, an ego or something else

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that inspires him or her to give in a millimetre, 10 years later it is a metre and 20 years later the planning is down the drain. Ministers for planning must be above anything that inspires them to make a decision they will regret. They must have the best people advising them. The future of the State relies on the integrity, vision and practicality of ministers for planning. A minister for planning has the greatest responsibility to our State. We talk about the Minister for the Environment, the Minister for Police, the Minister for Community Development and the Minister for Sport and Recreation, but they just fade into insignificance when compared with the Minister for Planning and Infrastructure. The future of our State rests with that minister. We must therefore analyse the person the Government has asked to take on that huge responsibility. I have no worries about this particular minister except that this same minister has also been given the huge transport portfolio. People say those two portfolios go hand in hand. It may be that they do. However, the Premier boasted at question time about the economy and the future of the State and said that it is the only State in Australia going forward. He is correct. However, do we have a minister who can handle that responsibility? No minister, with a State going forward as fast as our Premier today stated, can handle two portfolios of the enormity of planning and transport. If that minister had one of those portfolios I would be very confident that no mistakes would be made. However, with those two portfolios, there must be errors being made, and the minute a minister makes an error in planning, that minister has stuffed up the future of Western Australia. I therefore appeal to the Government and to the Premier of this State to understand the pressure that he has put on the Minister for Planning and Infrastructure by giving her two of the outstanding portfolios in this State. She is an outstanding minister, but her staff must become incompetent with the pressures that are on her and she must make errors. I say in closing that planning is the most important portfolio we have for the future of Western Australia.

I believe we can alter any mistakes we make in the Peel region strategy. That scheme can be changed when public consultation demands that any little error be changed. However, once the plan is established, it is there forever. I believe the plan is right for 10, 20 or 40 years. The Peel region is the fastest growing region in Western Australia and the plan has to be there.

Finally, we are putting in the Peel deviation, which was inserted in the plan six years ago. We are putting in the train - the Peel Thunder Express! - which was also put in the plan six years ago. All those things were going to happen. This Government should not take pride from that. The previous Government put in the train, and the Peel deviation would have happened. Members opposite should not skite about it; these are the necessities of a growing area, and they would have happened. However, when we are planning for the environment and for Peel regional parks, we have to realise how important they are to the future generations of our State. Governments should not be mean; they should pay the people who own the land the appropriate figure that they demand.

Debate adjourned, on motion by Mr J.C. Kobelke (Leader of the House).

House adjourned at 10.20 pm
