

Mrs Cheryl Edwardes; Ms Alannah MacTiernan; Chairman; Mr John D'Orazio; Mr Shane Hill; Mr David Templeman; Dr Janet Woollard; Mr Ross Ainsworth; Ms Katie Hodson-Thomas

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**Division 50: Western Australian Planning Commission, \$90 384 000 -**

Mr J.P.D. Edwards, Chairman.

Ms A.J. MacTiernan, Minister for Planning and Infrastructure.

Mr T.S. Martin, Chairman.

Mr. I.G. Patterson, Acting Secretary.

Mr P. Frewer, Executive Director, Integrated Planning and Policy.

Mr R.D. Farrell, Senior Policy Adviser, Office of the Minister for Planning and Infrastructure.

Mrs C.L. EDWARDES: On page 809 one of the major policy decisions is the transfer of the Town Planning Appeal Tribunal to the Department of Justice. I will refer to the funding and then the matters before the new tribunal which came out of the minister's office and were then held over. The funding is \$405 000 as a budget estimate and then \$811 000 as a forward estimate. Obviously the Town Planning Appeal Tribunal will go into the new State Appeal Tribunal body, and I can raise that matter directly with the Attorney General. However, there would seem to be inadequate funds for the tribunal in this forthcoming budget given the fact that a number of appeals have transferred from the old tribunal to the new tribunal. How many of them are there? In addition, 10 new appeals have been lodged since proclamation and some 75 appeals have been transferred from the minister's office to the new tribunal. Therefore, there is an immediate backlog for the new tribunal. Why has extra funding not been made available in this forthcoming budget to enable the new tribunal to deal more quickly with the backlog?

Ms A.J. MacTIERNAN: This is not the only source of funds. Funds are allocated that were previously moneys spent on the appeals committee. There was an entire bureaucracy.

Mrs C.L. EDWARDES: Is that not going across to the Department of Justice?

Ms A.J. MacTIERNAN: It is going across to the operation of the Town Planning Appeal Tribunal but not via the Western Australian Planning Commission because, as I understand it, the WAPC did not fund that. The new tribunal is funded in part by the WAPC, which always funded the old tribunal, and in part through moneys that were previously allocated to run the ministerial appeals office. Both of those sums of money have now been brought across.

Mrs C.L. EDWARDES: How much was it for the appeals committee?

Ms A.J. MacTIERNAN: I can provide that by way of supplementary information.

Mr FARRELL: It is a Treasury administered item in the Department for Planning and Infrastructure budget.

Mrs C.L. EDWARDES: Could the minister provide that by way of supplementary information?

Ms A.J. MacTIERNAN: Yes, we are quite happy to do that. I will provide by supplementary information the amount of money that is coming through the DPI budget that was formerly allocated to the ministerial appeals office, and the amount of money that is coming from the WAPC.

*[Supplementary Information No B21.]*

[3.30 pm]

Mrs C.L. EDWARDES: How many of those appeals are from the old tribunal?

Ms A.J. MacTIERNAN: A tragedy is that the old tribunal appeared to operate a Dickensian system with no computerised records. We are still trying to find out precisely how many appeals are outstanding in the old tribunal. It operated as a part-time tribunal. Last year, 186 appeals were lodged, but when we went at lunchtime to find the answer to this question, officers had no way of determining the number. It is appalling that the system has languished in this way. When we appointed our new people, particularly the principal registrar of the tribunal, they were horrified to see the degree to which they had to bring the body up to standard. We thought it would be a matter of meshing the ministerial appeals committee and the tribunal work. It is a difficult task. We know that 186 appeals were lodged last year, many of which would have been resolved by mediation. I do not know whether we have the figures for mediation with us. A large percentage of such appeals are dealt with by mediation. From time to time, some are drawn. All appeals that are ready for listing, in which the parties are ready and want the matter to proceed, have been listed for hearing.

Mrs C.L. EDWARDES: The ministerial statement referred to dates between now and September.

Ms A.J. MacTIERNAN: That is right.

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Mrs C.L. EDWARDES: As the minister transferred 75 ministerial appeals across to the new tribunal, did that leave any ministerial appeals in her office; and, if so, how many?

Ms A.J. MacTIERNAN: It did. I cannot give the member the precise figure, but it is not a large number. Some appeals were from before the transfer date of 1 July 2001. Basically, some matters relate to east Wanneroo, where we had agreement with the appellants. I said that I had two choices: I could reject the appeals or I could hold them in abeyance until we continue the work of the Department for Planning and Infrastructure and the Department of Agriculture considering the vexed issue of water allocations. These are subdivision applications. Should this be retained as horticultural land, as the Department of Agriculture is arguing, and is it realistic for this to be reserved as agricultural land if long-term water licences cannot be obtained? We seek a definitive answer on which, if any, of these sites will be in receipt of water licences. If not, how can they best be rezoned to fit in the broad strategic planning for the area?

The CHAIRMAN: This will be the last question for the member for Kingsley.

Mrs C.L. EDWARDES: The minister cannot provide the precise number.

Ms A.J. MacTIERNAN: I will provide in supplementary information the number of appeals that remain. The east Wanneroo matters are a block of appeals. I have been asked by a variety of people to determine a second category of appeals. Some appeals are in progress, with a report prepared. We might have already considered these matters and they have gone back for further information or negotiation. Basically, they are the three categories.

The CHAIRMAN: Will the minister please state the information she will provide?

Ms A.J. MacTIERNAN: I will provide the number of ministerial appeals that I have retained.

*[Supplementary Information No B22.]*

Mr J.B. D'ORAZIO: I refer to the third dot point on page 808 outlining the sustainable regional development program. Can the minister explain the department's regional planning program, and, more importantly, any major initiatives currently under way?

Ms A.J. MacTIERNAN: I will list some of the projects that are on the works program, which covers every region of the State.

The Broome planning and infrastructure study is a very complex issue, made much more complex by native title issues in the Broome area. As the member knows, Broome is a rapidly growing area, but is very constrained. The previous Government acquired the Waterbank pastoral lease for the expansion of the town. The Department for Planning and Infrastructure is moving forward to produce a comprehensive planning and infrastructure study for the growth of Broome.

Next is the Carnarvon-Ningaloo coast regional strategy. A lot of work has been done at Carnarvon and Ningaloo, and this is being drawn together. Rather than re-inventing the wheel, the work is being integrated. A focus is placed on the potential for development, if any, along the Ningaloo coast, and to determine what people want in providing a long-term vision for the management of the coast. The Government believes it must be done as a whole from Carnarvon to Exmouth as both towns will play an important role in what happens on the coast in servicing the many hundreds of thousands of people who visit the region each year. An enormous number of meetings have been held with the local community to try to achieve some consensus in that conflicted area.

I ask Mr Frewer to describe the goldfields-Esperance region plan implementation.

Mr FREWER: The goldfields-Esperance region plan covers a range of initiatives across the region. With the amalgamation to form the Department for Planning and Infrastructure, previous regional advisory committees on transport and regional planning were brought together. One committee amalgamated and met recently and commenced a series of initiatives to implement the plans put together in the past to provide a comprehensive overview of the requirements for the goldfields and Esperance region.

[3.40 pm]

Ms A.J. MacTIERNAN: Another project is the Kununurra-Wyndham development strategy. Obviously there are some very real problems with the planning levels, particularly in Kununurra but also in Wyndham. One of the difficulties in those areas is attracting and keeping planners. In response to that, not only have we allocated \$70 000 to the shire to assist it to get a consultant to help with that, but also for the first time we have placed a full-time planner in the Kimberley. The planner is based in Broome but assists with the development of those plans. Those shires simply have not been moving forward. We are finding that there is development. A number of scheme amendments are now before me that do not fit in with any existing planning strategy. We are saying

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that the shires cannot just do this in a haphazard way. It needs a bit of thought; otherwise in 20 years we will be ruining the day we let development happen in a haphazard fashion.

The lower great southern region strategy is another project in which we are integrating land use with transport planning. What happens in the city is very much affected by what happens in the areas around it, so we are trying to look at the region as a whole. It is the same in Geraldton. Geraldton is particularly important because three or four different shires are involved. As you would know, Mr Chairman (Mr J.P.D. Edwards), decisions made by the Shire of Greenough and, to a lesser extent, the Shire of Chapman Valley can have a direct impact on Geraldton, and we need a more composite approach. One of the issues I have discussed with the member for Geraldton and with you, Mr Chairman, is what we will do to provide for industrial land. That is one of the areas to which we are giving a lot of focus at the moment.

Mr S.R. HILL: I refer to page 808. Can the minister briefly outline where we are at with the Geraldton region scheme?

Ms A.J. MacTIERNAN: We have undertaken a number of significant studies as a precursor. These include an examination of the north-south road, which will connect the North West Coastal Highway with the proposed southern transport corridor. This study has been subject to extensive public consultation. A major study that is currently under way will consider the implications for Geraldton when the rail line is moved from the foreshore, and further development options. That study will be completed by late 2003. I have also asked the Chairman of the Western Australian Planning Commission - I have indicated that there is some urgency for this - whether there could be a review of the regional and industrial sites, particularly for heavy industry.

Following our great success with the development of a hematite project at Mt Gibson, we are hopeful that we will have a value-added process up and running. However, we need an industrial site, particularly given the reality that Oakajee will not be a goer for at least a decade. All of the infrastructure that we have put in place is very much concentrated on the port of Geraldton being the focus and needing an industrial development that can feed into the port through the southern transport corridor.

Mr D.A. TEMPLEMAN: In the past I received a few letters about Smiths Beach. Can the minister outline the current status of the Leeuwin-Naturaliste Ridge statement of planning policy with regard to Smiths Beach?

Ms A.J. MacTIERNAN: I thank the member for the question and I hope he is not asking it on behalf of any particular lobbyist. There has been a lot of interest in my office of late about which lobbyists have approached me or whether particular lobbyists - in particular, Messrs Burke and Grill - have approached me about any projects. I have been more than happy to be open and to provide documents requested under freedom of information about the representations that these gentlemen have made. Although they have made contact with my office on a number of issues, including Smiths Beach, personalised numberplates, the South Perth foreshore rail line, the taxi buyback scheme - the list of issues about which they have contacted us is quite extensive - their representations are not given any more weight than anyone else's representations. I would not want any members of the Opposition to fall into some sort of trap that would make them think that contact -

The CHAIRMAN: I think we were talking about Smiths Beach.

Ms A.J. MacTIERNAN: I want to put it on record that these gentlemen, who have been the subject of much interest by the Opposition, were making representations on behalf of the proponents of Smiths Beach, as have representatives of the community. However, we made our decision, which we think was very balanced. We have negotiated changes to the Leeuwin-Naturaliste Ridge statement of planning policy, which basically cut back the size and scale of the development permissible at Smiths Beach and entrenched primacy for the protection of the natural landscape values of that site. It was gazetted on 31 January 2003, and on 23 April 2003 the Busselton Shire Council resolved to amend its district planning scheme to conform to the amendment of the statement of planning policy. It has gone right through now and the Busselton scheme now reflects that. That is a very positive outcome. I place on record my thanks to the Busselton Shire Council for acting in such a cooperative fashion.

Mrs C.L. EDWARDES: I refer to page 815, the capital works program, and in particular the acquisition under Perth's Bushplan. An amount of \$10 million has been identified for 2003-04 and \$14 million for 2002-03. Can the minister advise how many properties now affected by Bush Forever are still under active consideration and how many will be considered in 2003-04? I suppose it is a bit difficult to determine the costs of those purchases because obviously valuations need to occur. Can the minister give me some idea of the types of properties and the like? There is one particular property I would like to mention which was not in the original Bush Forever plan. However, a property of equal value in the near vicinity was in the Bush Forever plan. That property belongs to the City of Cockburn. It is now looking at acquiring a neighbour's property so that the City of Cockburn can lease out that land for quarrying. What is the minister's policy? I am horrified by that. A piece of

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land owned by the City of Cockburn, which would love to lease it out for quarrying, has been listed in the Bush Forever plan; therefore, the next door neighbour has been approached about acquiring her land for Bush Forever.

[3.50 pm]

Ms A.J. MacTIERNAN: What is the address of the property?

Mrs C.L. EDWARDES: I do not have the lot detail with me, but it is within the City of Cockburn and presently before the Bush Forever committee.

Ms A.J. MacTIERNAN: I ask the member to put the question on notice. It is not possible to crack it if we do not know the address of the property. If the member puts a question on notice, we will get her the information.

The CHAIRMAN: I take it the member is being asked to put a question on notice.

Ms A.J. MacTIERNAN: The question the member will put on notice relates to a property, apparently within the City of Cockburn, that was subject to Bush Forever but apparently will no longer be subject to Bush Forever, which will allow the City of Cockburn to quarry it.

Mrs C.L. EDWARDES: That was an aside to my original question, which asked for a breakdown of the \$10 million that will be provided for the properties that will be affected by Bush Forever in the forthcoming year.

Ms A.J. MacTIERNAN: What does the member mean by a breakdown of the \$10 million?

Mrs C.L. EDWARDES: What is the process for determining how that \$10 million will be spent?

Ms A.J. MacTIERNAN: The process is demand driven. When people want their properties acquired, they put up their hand and indicate that they may want their properties acquired. A raft of resolutions may occur. The process envisaged by the member's Government, and which we are very keen to undertake, is ground truthing. The list is a fairly rough cast. We find in many instances when we get down to the detail that the whole site does not need to be quarantined from development. Our preferred outcome from the point of view of looking after the taxpayer is to ensure that we have a negotiated outcome in which development is permitted in some parts of the site and the Bush Forever part of the site is quarantined. In many instances, that provides a satisfactory outcome for the landowner. However, we will have to acquire some properties. That to some extent is demand driven. We do not go around asking people whether they want their properties bought. People come to us when they want them bought. We have made an assumption that \$10 million will satisfy the demand for us to buy properties within any one year. Some of the land that was reserved under the metropolitan region scheme almost 50 years ago has not been bought because people have not necessarily wanted to get rid of the property and have not triggered the Government's obligation. It will be many years before the Government needs to acquire some land. On the basis of the demand that has been experienced so far, we are confident that \$10 million per annum will at this stage cover it.

Mrs C.L. EDWARDES: The funding has been reduced from that provided in previous years by \$4 million.

Ms A.J. MacTIERNAN: No, some of that is carryover from previous years because it was not spent. We have been pretty consistent. In fact, our election commitment was \$10 million a year. If there is no demand, we do not spend the money. That creates a carryover for the next year. Mr Frewer will outline this. It is not a total answer to the member's question.

Mr FREWER: Setting the priorities is complex because of the number of sites that are affected. Over the past couple of years we have tried to deal with the areas put forward through negotiated planning solutions. That involves mainly up-zoned land that has some ecological and environmental value. The negotiations fall into two categories. The first, individual negotiated planning solutions, relates to single landowners. In those cases the solutions for dealing with the site range from a complete buy-out to allowing some form of development as well as conservation. The second category, strategic negotiated solutions, relates to a cluster of landowners who might be affected by a series of bush or wetlands. To some degree, the Southern River area near Gosnells is a good example of that. Properties in that category are slightly more complex and some structured planning and trade-offs are required. Negotiations for about 11 of those sites are being worked through. We have reached quite a high degree of agreement over a number of sites, particularly those involving individual negotiated planning solutions.

Dr J.M. WOOLLARD: Many in the community are hopeful that the new planning appeals process that came in before Easter will in the long term be speedier and more equitable, especially if the Government eventually introduces the right of third parties to appeal planning decisions. The minister said she would provide the member for Kingsley with information -

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The CHAIRMAN: Member, could you give us a page number and a line item?

Dr J.M. WOOLLARD: I refer to page 812 and client satisfaction with the timeliness of strategic planning activities. Can I have that information -

Ms A.J. MacTIERNAN: Which information?

Dr J.M. WOOLLARD: Information about the number of cases listed and heard by the old Town Planning Appeal Tribunal -

Ms A.J. MacTIERNAN: I am quite happy to give the member the same information that I will provide, by way of supplementary information, to the member for Kingsley -

Dr J.M. WOOLLARD: The minister is only providing the member for Kingsley with certain statistics. I would like to know, for the past 24 months, the minimum, average and maximum time between the lodging of a complaint and the hearing of it by the tribunal. My constituents are very concerned that applications Nos 52 and 53, which were lodged earlier this year by Abe Saffron, who is described in Sydney as a colourful racing identity, were heard three or four weeks ago. The community hears that there is usually a six-month waiting list, and it asks why someone of that character is able to get preferential treatment.

Ms A.J. MacTIERNAN: I will not be in a position to provide that information. If the member had listened to what I said before, she would know that we have discovered that the record keeping of the Town Planning Appeal Tribunal in its old formulation was not digitalised. To do what the member requests would require an enormous amount of research. We would need to go through every file and make those calculations. Frankly, I am not prepared to devote that time to it. It would require days, if not weeks and weeks, of work. I suspect - perhaps she can clarify this for me - that the member's real concern is the Raffles site.

Dr J.M. WOOLLARD: I was referring to Town Planning Appeal Tribunal items Nos 52 and 53. Abe Saffron is a director of Aplin Investments Pty Ltd, and it was Aplin Investments that appeared before the tribunal approximately one month ago. The community believes that the Government is giving this colourful racing identity or character preferential treatment.

Ms A.J. MacTIERNAN: I am interested in exploring this because I find it a fascinating concept. How does the member perceive that we would have been capable of doing that?

Dr J.M. WOOLLARD: The minister's own Planning Commission operated outside the density codes and the residential design codes for the metropolitan area. The Minister for the Environment and Heritage ignored the Swan River Trust Act -

Ms A.J. MacTIERNAN: I am not seeking to understand the motives that we might have for assisting Mr Saffron. I was unaware that Mr Saffron was still involved with the property.

Dr J.M. WOOLLARD: I brought it to your attention -

[4.00 pm]

Ms A.J. MacTIERNAN: Quite aside from the motive, I am struggling to understand where the member is coming from. Is she suggesting that somehow or other we the Government have interfered with the process of the Town Planning Appeal Tribunal and that we got it to make a preferential listing for this case? Is that the allegation?

[Mr P.W. Andrews took the Chair.]

Dr J.M. WOOLLARD: Concerns have been brought to me by a number of my constituents that this Government is giving preferential treatment to Abe Saffron.

Ms A.J. MacTIERNAN: What is the member's basis for that?

Dr J.M. WOOLLARD: The basis is that rumour has it that in the past it took six months for a case to be heard before the appeal tribunal. However, the deed in this case was signed only in January and the mediation was planned before the tribunal almost one month ago.

The CHAIRMAN: I want to give the member for Alfred Cove freedom of speech, but the question must relate to the budget. Although I do not want to give any direction about the nature of questions, I suggest that questions about rumours are inappropriate to budgetary considerations. The minister can answer that last question and then we will move on.

Ms A.J. MacTIERNAN: I can answer this question. I urge the member to apply a bit more forensic skill to her questions. The answer is very simple and has been the subject of a number of statements in Parliament. In the

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past couple of years the number of appeals to the Town Planning Appeal Tribunal has increased, yet the tribunal has been restricted by its old, cumbersome structures, inflexible quorum requirements and no full-time personnel. As from 1 January we turned that around. Before the legislation was proclaimed we appointed -

Dr J.M. WOOLLARD: Give me the statistics for this year then, minister.

Ms A.J. MacTIERNAN: Member, I listened to your insane question in silence, now you will listen to my answer. We appointed a full-time registrar to the tribunal, who was able to start hearing cases, we appointed additional part-time officers to the tribunal, the legislation has now been proclaimed and a raft of people are working on these matters; therefore, one would expect the performance of the tribunal to have increased. As I said earlier in answer to a question from the member for Kingsley - who does her homework and who has acknowledged that the material had been provided in ministerial statements - when the parties are ready to proceed to hearing before the tribunal, all cases are listed for hearing, not only cases run by Abe Saffron.

Dr J.M. WOOLLARD: Yes, they have been listed, but how many have gone there and how many have been heard?

The CHAIRMAN: I give the call to the member for Roe.

Ms A.J. MacTIERNAN: I just want to clarify this matter because outrageous and completely foundless allegations have been made by the member for Alfred Cove.

Dr J.M. WOOLLARD: Not according to my constituents.

Ms A.J. MacTIERNAN: This matter has not been heard. As I said, I suggest the member do a bit more homework.

Dr J.M. WOOLLARD: I turned up at the tribunal and the minister's lawyer for WAPC did not even know the case. He came in that day and knew no facts whatsoever.

Ms A.J. MacTIERNAN: That is pretty extraordinary, given that we had rung the tribunal on Abe's part but we did not know the case! I do not know how we could have done that. I will make this clear: this matter has not been heard; it has been listed for hearing in September.

Dr J.M. WOOLLARD: I was in the tribunal, minister, seeking to be a party.

Ms A.J. MacTIERNAN: All cases in which the appellant and the proponent are ready have been listed for hearing between now and September. This case is at the end of the queue.

The CHAIRMAN: Thank you, minister. The member for Roe has the call.

Dr J.M. WOOLLARD: This case has already gone to mediation; I was there.

Mr D.A. TEMPLEMAN: Mr Chairman, the member for Alfred Cove should now cease and listen to your direction.

The CHAIRMAN: I think I have been lax in my approach.

Mr R.A. AINSWORTH: I refer to the acquisition of land, an item of new work in the capital works program at page 815. I take it that the \$78 million in the 2003-04 program refers to the acquisition of land and buildings in William, Murray and Wellington Streets in the central business district.

Ms A.J. MacTIERNAN: Does the member think it would be \$78 million?

Mr R.A. AINSWORTH: No. I am asking the minister how much of that relates to the land acquisition program to be undertaken by the MetroRail project? What is the estimated cost of the acquisition of that land and buildings in William, Murray and Wellington Streets in the CBD; the estimated cost of compensation to commercial leaseholders and tenants; and the estimated cost of compensating displaced workers? Are those amounts of compensation included in the \$78 million; and, if not, where in the *Budget Statements* are those funds budgeted for?

Ms A.J. MacTIERNAN: Okay, get this straight: the \$78 million is the entire acquisition land program outside those other land acquisition programs. Of that, as I have said time and again, the proportion that is required for the acquisition of the William Street site to construct the rail station is \$37.5 million. That sum includes the valuations, the solatium and the requirement for compensation. The sum total is our estimate based on valuation advice provided to us by the Valuer General and private valuers. We are negotiating with the owners of those sites and we will shortly be negotiating with the tenants. I do not know whether the member is proposing a different compensation regime than the regime for the Northbridge tunnel. We are effectively following the

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same statutory processes and obligations that were used in every other property acquisition that has been required for infrastructure development.

Mr R.A. AINSWORTH: I take that a step further. The minister outlined the cost of land acquisition and compensation and where that money is coming from. Will she confirm that the amount she mentioned is over and above the Western Australian Government Railways Commission MetroRail infrastructure budget of \$1.1 billion listed on page 801?

Ms A.J. MacTIERNAN: It is, as I have explained on many occasions. However, it is not included in the budget because in constructing a rail station below ground we will not gobble up the land. We will have for sale a vastly enhanced piece of real estate and it is our intention to sell that real estate in 2005.

Before I forget, the member for Kingsley asked some questions about the strategies we were putting in place to deal with the issue of the timeliness of the response to planning applications and we set out what the department was doing. I undertook to get the Chairman of the Western Australian Planning Commission here. The member for Kingsley might like to raise that issue, because the Chairman is now here and can explain what the WA Planning Commission is doing, in addition to what the department is doing.

[4.10 pm]

Ms K. HODSON-THOMAS: I refer to the first major initiative for 2003-04 listed on page 813. My interest is in the Fremantle eastern bypass. I understand that in the vicinity of 10 000 submissions were received. At the close of the first round, how many submissions were received? How many submissions were subsequently received during the further extension of time? Of those submissions, how many people have sought hearings before the WA Planning Commission? What will be the process with invitations to attend those hearings? Over what period will they be held?

Ms A.J. MacTIERNAN: I thank the member for the questions. There were 9 700 submissions received and 896 hearings were requested. The various people are being contacted to see how they want to proceed. We have set down hearings to commence on 9 June and to conclude on 31 July. They will be held over an eight-week period. In order to accommodate people who cannot attend by day, we have offered two evenings a week. It has been timetable approved and I thank the Planning Commission for its work.

Ms K. HODSON-THOMAS: The minister said that 9 700 submissions have been received. How many were received in the first instance?

Ms A.J. MacTIERNAN: I do not have that figure. We have not separated the figures.

Ms K. HODSON-THOMAS: Is eight weeks sufficient time in which to hear 896 submissions?

Ms A.J. MacTIERNAN: Based on past experience, we believe it is. As the member for Carine can imagine, many of the submissions will be very much the same.

Mr D.A. TEMPLEMAN: The last major initiative for 2003-04 listed on page 813 refers to the Peel region scheme. As the minister is aware, it is now operational. Can the minister outline any initiatives taken to deal with land acquisition in the Peel region scheme?

Ms A.J. MacTIERNAN: Following the successful negotiation of the Peel region scheme through Parliament, despite some last minute and unexpected opposition from people who have been involved in the process over many years, we have written to all affected landowners advising them of the finalisation of the scheme and how it will affect their properties. They have been invited to discuss their property concerns with the department. A simple pamphlet titled "Your Property in the Peel Region Scheme for Future Reference" was distributed because it is very important that landowners have clarity about their rights under this new regime. Property totalling \$15 million has already been purchased or is currently under negotiation for sale. We are focussed on what is required for the Mandurah railway, the Peel deviation, the Kwinana Freeway extension and Peel Regional Park.

Mrs C.L. EDWARDES: Prior to asking the Chairman of the Planning Commission to advise what is being done to improve the timeliness of the responses in order to assist the industry and the people who employ them, I have a question that refers to acquisition of land referred to on page 815. It is not about the specific acquisition of land but the people with whom the commission comes into contact. One of the groups of people is valuers. The Western Australian community is a very small community. It has been suggested that some valuers rely totally on DPI, Planning Commission and LandCorp for 90 to 95 per cent of their work. It has been suggested that, when they value land, they have a particular bias to the lower level in order to meet their client's needs, which may be taxpayers' needs versus those of individuals. I do not have an answer for what is perceived to be a problem. However, it is very much perceived to be a major problem by people in the community whose property has been acquired by the Government in whichever format. I wonder whether it has been brought to the

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minister's attention. If so, what are her views and can she suggest whether there is any way of overcoming that? In some cases, valuations of land prepared for the Planning Commission by a valuer and valuations of the same land by another valuer for a family or individual vary considerably.

Ms A.J. MacTIERNAN: Is the member saying that valuers are independent if they are employed by landowners but not if they are employed by the department?

Mrs C.L. EDWARDES: We could argue about that concerning doctors employed within the workers compensation system. As the minister knows, some doctors have a reputation for being insurers' doctors and some for being victims' doctors. In this instance, there is a perception that there are government valuers and family valuers. I do not think the minister would like to encourage that perception. I do not know whether it has been brought to her attention in the past. It is no reflection on the valuers. It is a reality that when the majority of a valuer's income is derived from the work it does for the Government, it could have a bearing on the outcome of valuations.

Ms A.J. MacTIERNAN: Unlike the workers compensation system, the rights and entitlements of the landowners to engage legal counsel to represent them in such conflict was not taken from them. I find the analogy unpersuasive. Whether a substantial amount of the work of the valuers engaged by the Planning Commission is done for the commission is an interesting question. We have no evidence that is the case. The Chairman of the Planning Commission does not have any evidence of that. We can have a look at that. As I said, there is an in-built discipline in the system; that is, if people want to contest a valuation, they have a clear-cut legal remedy. No-one is denied access to lawyers to have a case reviewed. Some landmark cases have been heard on questions of law on zoning or land characterisation. However, when that is not an issue, very few valuations are contested. The commissioner advises me that, generally speaking, the commission has fared well in those hearings. Likewise with Main Roads.

Mrs C.L. EDWARDES: Can an appeal be made to the Supreme Court?

Mr MARTIN: One can elect to go to arbitration or the Supreme Court.

Ms A.J. MacTIERNAN: Extensive actions have been taken against Main Roads over the Northbridge tunnel. At the end of the day, Main Roads valuations were strongly supported. Indeed, if I have a concern, it is that Main Roads paid far too much for some properties. We are now investigating some of those cases, rather than the cases for which it paid far too little. There is absolutely no shortage of landowners who believe their land is valued at a higher price than the market calculates it to be. Also, the Government is seen to have deep pockets. Of course, the Government will always have to deal with some pretty ambitious expectations, but it must behave ethically and responsibly.

[4.20 pm]

Mrs C.L. EDWARDES: Does the minister believe there are sufficient safeguards in the system?

Ms A.J. MacTIERNAN: There is an inherent discipline in the system because it is subject to appeal. The allegation of whether some valuers overwhelmingly rely on the Government for their work is interesting. I will look into that matter. I do not think that in itself is a problem; however, we will investigate it. Of far more concern is what might be called the rise of the valuer advocates. We saw a few of them operate during the construction of the Northbridge tunnel. Those people basically hawk inflated expectations to landowners and then get the job of not only valuing the land, but also following up the proceedings. They value add to their business operations, sometimes with dire consequences for their clients.

Mr D.A. TEMPLEMAN: I refer to the second dot point on page 808 of the *Budget Statements* regarding sustainable communities and revitalisation. How is the livable neighbourhood community design code expected to develop in the future?

Ms A.J. MacTIERNAN: I thank the member for the question. This is an important issue. This morning we were talking about the difficulty of providing public transport in some subdivision designs. The member for Ballajura will be very conscious of this issue because it applies to his electorate. We want to ensure that the livable neighbourhoods community design code becomes a standard code rather than an optional development. The livable neighbourhoods community design code is designed to reduce automobile dependence, encourage community interaction, and provide better integration of public transport and a more mixed neighbourhood which, in turn, can reduce car dependency and increase security and a sense of community. We are reviewing that code with the objective of making this more sustainable policy a mandatory requirement at some time in 2004. We are looking at community centre planning guidelines that appear to cover a gap in the livable neighbourhoods policy with regard to the planning and design of community centres. Ultimately, the centre planning guidelines will be incorporated into an integrated livable neighbourhood. We will do more to expand



Mrs Cheryl Edwardes; Ms Alannah MacTiernan; Chairman; Mr John D'Orazio; Mr Shane Hill; Mr David Templeman; Dr Janet Woollard; Mr Ross Ainsworth; Ms Katie Hodson-Thomas

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the livable neighbourhoods policy and progress the livable neighbourhoods community design code as a mandatory policy. This is an important part of providing a more sustainable planning system for Western Australia.

Mr R.A. AINSWORTH: I refer to my favourite section of the budget - acquisition of land - on page 815 of the *Budget Statements*. Will the minister provide details on valuations carried out on behalf of the Government of the central business district buildings that will be required for purchase?

Ms A.J. MacTIERNAN: I have made statements in Parliament in which I have outlined the names of the valuers we have used to obtain those valuations. I do not intend to table those valuations or to go into them chapter and verse because that would be commercially irresponsible. We are in the process of negotiating with these landowners. I understand that the National Party is also engaged in dialogue with the landowners. We do not intend to undermine the commercial confidentiality of our negotiations by tabling our valuations at this point. If the member would like to put that question on notice, I will provide the information about the valuers that I have provided on several occasions. The Government has used private valuers in addition to the Valuer General; however, I cannot tell the member their names offhand.

Mr MARTIN: The Western Australian Planning Commission has retained valuers independently. It has also contracted LandCorp to negotiate the acquisition of property. A team of valuers and negotiators has been appointed.

Ms A.J. MacTIERNAN: If the member puts the question on notice, we will supply a list of those valuers.

The member for Kingsley raised an issue earlier today. We have set out the strategies the department has put in place to lift its performance in this area. The Chairman of the WAPC has also taken some steps in that regard and I would like him to describe them.

Mr MARTIN: The commission shares the community's concern that statutory applications be dealt with in a timely fashion. To that end the commission has met with stakeholder representatives. It has negotiated with the Department for Planning and Infrastructure to improve processing applications. The steps that the department is taking to improve its rate of delivery have already been listed. The commission required that a business plan be developed for the consideration of all statutory matters so that the commission is aware of the business coming forward and the resources that have been allocated towards programming that successfully. In addition, the commission has suggested and is negotiating with the industry a proposal for a degree of self-assessment. That will ensure that applications are made in a far more complete form and will include a sustainability assessment. The commission will then be in a position to consider matters earlier than it otherwise would be.

**The appropriation was recommended.**

[4.30 pm]