

METROPOLITAN REGION SCHEME - NORTH WEST DISTRICTS OMNIBUS (NO. 4)

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon G.T. Giffard was moved pro forma on 18 October -

That the Metropolitan Region Scheme - North West Districts Omnibus (No. 4) tabled in the Legislative Council on 10 October 2000 be, and is hereby, disallowed.

HON G.T. GIFFARD (South Metropolitan) [11.58 pm]: A number of planning issues characterise the general performance of this Government. I will comment specifically in this debate on amendment No 25 in this omnibus amendment, which relates to the future use of the Scarborough Senior High School site. The approach of the Government in this debate has had a touch of arrogance. It has been deficient in the handling of the process, and has failed to reflect the community's needs and aspirations or even to listen to the community vitally affected by this decision.

In the ministerial statement that was delivered on 10 October, the Attorney General representing the Minister for Planning said with regard to this amendment that the proposal that generated the most public submissions was the rezoning of the Scarborough Senior High School site to urban, which attracted 41 objections ranging from the alternative uses for the facilities to the amount of open space. The Attorney General then said that in response, the Minister for Education has advised that a grant of \$2.2m will be made to build the new community facilities, while a minimum of 30 per cent public open space is suggested for the site. I stress that the word is "suggested", not "committed". That is the first point I make about that comment.

The second point I make about that comment is that, in my view, the Minister for Education's advice about the grant of 30 per cent public open space was not a genuine response to the 41 objections from the public to the rezoning application but a cynical gesture to make the proposal more politically palatable. I add that those 41 objections came about in a relatively short time, the reason being that the community was not made aware until late in the piece, because of the sham public consultation process that had occurred, that the Government's position on this issue had shifted.

The report on the submissions indicates that two submissions supported the rezoning. One submission was from the City of Stirling, which as I understand it has its eyes on this piece of land for real estate purposes, and obviously also for rating purposes. The other submission was from SJB Town Planners. Its submission interestingly said there was no need for any specific recreational or community facility, and there was no demonstrated need for public open space. I am at a loss to understand how it came to that view, because to the best of my knowledge no serious or genuine attempt has been made to properly investigate either of these issues.

When the community became aware that the Government was proposing to sell off a fair bit of that land for residential purposes and had shifted its position on this issue, it formed the Scarborough High Open Space Action Group. That group conducted a survey in the short time it had to deal with this issue. The purpose of that survey was to ascertain the community attitude to the closure of the school, the scheduled demolition of the school, and the use of the adjacent facilities and land, and to ascertain the individual preferences for that site in order that it could help retain the integrity of that area for the community. The results of that survey were reported to the Planning Commission. They showed that 93 per cent of respondents were overwhelmingly in favour of the land remaining in the public domain. The summary of the survey results showed that the respondents continually expressed their desire for cohesion within the community and their frustration at the perceived lack of genuine concern of both State and local governments for residents of the area. The general feedback was that the community was being unwillingly isolated from within through the closure and removal of not only the high school but also the only significant open space and sports facility in the area. The residents felt they would no longer have any common ground in which they could meet, talk and be part of the community.

That survey came about in a short time; it was put together hastily by a group of local activists who were concerned about the future of this site. They were caught unawares, because during the middle of 1998, the Minister for Education, Mr Barnett, indicated a commitment to a gymnasium and a swimming pool on the site and to public open space. I agree that the minister did not specify what percentage of the site these facilities would occupy. However, it was generally understood that the site would be used for public open space, the gymnasium and the swimming pool. That was in the context of the school being closed and demolished. In that sense people were initially reassured that the land would continue to be available to the community for its use.

What transpired is that the State Government engaged in discussions and negotiations with the City of Stirling. They proceeded to develop their own plans for this site. In a letter to the minister in September 1998 the mayor of the City of Stirling stated -

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It is our understanding that the Government would wish to pass to the City of Stirling the land containing the existing gymnasium and swimming pool together with adjacent land now used for recreation so that these amenities will continue to be available for use by the local community.

He also stated -

In assisting the future development of the remaining site so that the Government will receive adequate funds for the maintenance and works mentioned herein and to also provide funding for other education facility objectives the Council will facilitate a subdivision of the land to produce a mix of R30 and R40 residential lots.

This is the situation between the City of Stirling and the Government in September 1998. The letter continues -

A concept plan showing the area for transfer to the City of Stirling is attached. The plan also shows a conceptual subdivision which includes subdivisional open space which we also understand will be included as part of any final subdivision design together with 135 residential lots.

In September 1998, plans were well under way for the City of Stirling and the State Government to carve up much of this land for a substantial number of residential lots, notwithstanding that the community understood the site would be held for the use of the community. The plans were not well defined, but that is what was understood. There was a general understanding that this valuable piece of land would be available to the community, notwithstanding that the City of Stirling and the State Government were engaging in discussions and had sent correspondence to each other that clearly indicates that plans were well under way to use a substantial part of the land for residential purposes.

The Minister for Education wrote to the mayor on 22 October that year and said -

In order to begin negotiations between the Education Department and the City of Stirling on the community use of land -

That is interesting -

- and some facilities at Scarborough Senior High School, I detail below the key points:

The minister then talks about how the City of Stirling's plans for the use of the land will be supported by the State Government. Interestingly, at that time the Government was still saying that land for community use would include that land containing the hall, gymnasium and swimming pool. However, worse was to follow.

This correspondence clearly indicates that reasonably well advanced discussions and negotiations were going on in late 1998 between the State Government and the City of Stirling. The omnibus amendment was advertised from July to October 1999. That clearly indicates that discussions between the city and the Government were well advanced months and months before the omnibus amendment was even advertised to the public. The concept plan for 135 residential lots initially was clearly well under way many months before they bothered to advertise and to draw to the community's attention that the plans had changed and that the site would include a substantial residential component.

On 14 December 1999, after the omnibus amendment had been advertised, the Stirling council resolved to seek confirmation of 20 per cent public open space and confirmation of the offer from the State Government of \$2.2m for public facilities. At that point in December 1999, the Stirling council was looking at 151 residential lots, which was post-demolition of the gymnasium and the swimming pool. That was a variation from the amount of \$1.3m initially offered by the Government. At that point, a year later, the Government had decided that it probably needed to increase the offer, not in response to any genuine concern from the community, but in an attempt to make it more saleable for the Government politically. As we know, after this public consultation period, the Western Australian Planning Commission gave final approval and referred the proposals to the minister in March this year.

It is clear that the community consultation process has been a sham, because the Government and the city had decided before they opened the public consultation period what the outcome would be. Then, lo and behold, they went through the process and the outcome was as it was always going to be.

Hon E.R.J. Dermer: Decide first and consult later.

Hon G.T. GIFFARD: That is right.

Hon Ken Travers: It sounds like the way they closed the school.

Hon E.R.J. Dermer: Very reminiscent.

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Hon G.T. GIFFARD: It was a sham. The changes that occurred regarding the gymnasium, the pool and the amount of money the State Government was offering are all about political manoeuvring. I note that in March this year the Premier wrote a letter to Mr John Quigley, the Labor candidate for the State seat of Innaloo, in which he said that it was originally planned to retain the gymnasium and the swimming pool. The Premier stated -

When retention of the gymnasium and the pool was discussed with the City of Stirling, the planned managers of the facility, they advised that the building lacked core facilities, its size and suitability were inappropriate for community use and the cost of refurbishment to current community standards was prohibitive.

As a result, it was agreed that the Government would provide the City of Stirling with \$1.3 million -

Hon E.R.J. Dermer: It was a perfectly fine hall when members of the community filled it to make their point very strongly.

Hon G.T. GIFFARD: Yes. The letter continues -

- to provide a new purpose-built facility to current community standards, on an alternative site to be selected by the City.

The State Government was distancing itself and trying to abandon its earlier commitment to provide facilities on that site. It clearly opened the door in March this year by saying that it would provide the funding for the facility but that it would be on an alternative site to be selected by the council. After initially being told that the site would be available for community use, at each stage the news has been worse and worse for the locals who want this piece of land for community use. More than one year before they sought this community consultation under the MRS process, the State Government's and council politicians' plans were well advanced.

These people are entitled to demand a proper consultation process. It is clear that they do not trust this State Government or the council. That is why they do not want this MRS amendment to be passed. They want an ironclad commitment about the future use of the site before the MRS amendment is passed. They want the process halted until proper and meaningful community consultation occurs. They have not had that yet - they have had a sham process. They do not want that; they want to be consulted and they want that consultation to be meaningful.

Hon Ken Travers: They deserve it.

Hon G.T. GIFFARD: They certainly do. I note that members of the Scarborough High Open Space Action Group are in the gallery. They have sat here patiently listening to the proceedings and anxiously awaiting the outcome of this debate. I ask members to reflect on the enormous energy and commitment that these people have given to this community resource and try to demonstrate some compassion for them. Members should keep in mind how important it is for these people to be able to keep this valuable community resource.

I have read through the public submissions, and the 41 objections. Very strong, recurring themes stand out in those submissions. These people want this land for public open space; they decry the lack of community facilities; and they are deeply offended about the lack of community consultation.

In response to these concerns, in February the Labor Party indicated to the Scarborough High Open Space Action Group that it supported its campaign to keep this resource for the community. I will read the ALP's correspondence to the group and a short statement released on 20 February. It says -

The Labor Party will move in Parliament to disallow the MRS amendment in which the site of the Scarborough Senior High School is re-zoned from Reserve/High School to Urban, until and unless the State Government:

- a) sets up a proper interactive consultative process with all the stakeholders in the local community to determine the future use for the site; and
- b) honours its promise to provide a gymnasium and swimming pool for the local community on the site

Labor believes a proper consultation process to determine the future of the site would be similar to that used for the Midland Redevelopment: an intensive, design-based, publicly-interactive planning and design process, which would ensure an outcome that has broad community support.

I believe it is still possible to get broad community support for the future use of this site, as long as the Government is prepared to stop, open its ears, listen and talk to people, involve people in a process that values their views and concerns and include them in the final decision. I believe that is still possible. I do not have any

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faith that this Government wants to do that, but I believe if it had the will, it could still do it. I do not think it is irretrievable.

Since the Labor Party made its position clear, and other members of this House have made their position clear - or not so clear - the Liberal Party has been playing fairly divisive politics in the area. I will give members a brief example of what I am talking about. One of the issues that is impacted upon in this issue is the playground facilities at the Newborough Primary School. With the demolition of the high school, the kids at Newborough Primary School have lost access to some of their recreational facilities, hopefully only in the short term. It is clear that the playground equipment at Newborough Primary School - in addition to the loss of oval facilities for the time being - is in a poor state and needs either replacement or major refurbishment. It has become so bad that some parents are indicating that they do not want to re-enrol their kids at the school because they are not happy with the standard of facilities or amenities at the school. It seems to me that if the Government had any compassion for the kids at Newborough Primary School, the solution would be fairly straightforward and simple; that is, essentially, to assess and address the need. Recently, however, the Government has said that it will not provide \$12 000 worth of playground equipment unless the land at Scarborough Senior High School is sold.

Hon E.R.J. Dermer: It is holding those children to ransom, essentially.

Hon G.T. GIFFARD: I am told that this land is worth \$14m or \$16m; I am not exactly sure of the price that has been put on the land. It seems extraordinary to me that the Government can say that the kids at Newborough Primary School cannot have their playground equipment unless it sells \$14m worth of real estate. That is just callous. It is awful, divisive politics. Frankly, this Government should be ashamed of itself. If these kids need playground equipment, they should get playground equipment. It should not be predicated on selling \$14m or \$16m worth of real estate. It is outrageous. That is the sort of game that the Liberal Party is playing on this issue - if the land is sold, the kids can have their playground equipment.

That is the sort of divisive politics I am talking about. As a result of that decision, some members of the parents and citizens association of the school - not all of them - naturally and understandably have said that we should pass the metropolitan region scheme. Some members of the P&C are so very desperate for an improvement to the facilities and standards at the school that they are under pressure and are being lobbied by the Liberal Party into saying that the scheme should be allowed. They do not want to be involved in a political stoush; they want the facilities in their school fixed up. Some have, therefore, said that the Labor Party should not move the disallowance motion, but should allow the scheme amendment.

I feel a significant degree of compassion for those people because they genuinely want the facilities for their kids at the school to be brought up to scratch. They are entitled to want that and they are entitled to have it. I call on the Government to meet that demand to address the needs of the kids at Newborough Primary School and not drag the school into an argument about the future use of the former Scarborough Senior High School. That would be inappropriate.

As I indicated to the House earlier, the Scarborough High Open Space Action Group has been very active since it formed in September last year. I tried to outline to the House tonight the issues it identified, the first being the broken promise of the Minister for Education to provide the high school gymnasium, swimming pool and adjacent land as open space. The second issue it identified was the deal between the mayor of Stirling and the Minister for Education to subdivide the land into residential lots. The community is concerned about the wedge politics being played by the State Government. Pressure is being applied to allow this MRS amendment, and the Government is unwilling to accede to the community's absolute and demonstrated need for public open space.

The submission from the Scarborough High Open Space Action Group was made in the name of Robyn Murphy, the convenor of the group. Her excellent submission outlines some important points of which the House should be aware when it makes a decision on this disallowance motion. The first important point is that the catalyst for the formation of the group was the community's awareness of this disallowance motion when it received advice from the Scarborough and Districts Progress Association that the Minister for Education had reversed his commitment to retain the gymnasium hall, swimming pool and adjacent land for public open space. The original commitment was made in July 1998. The Scarborough and Districts Progress Association was told by the local member in August 1999 that the commitment had been reversed. It took more than a year for the community to be given that information. That was the first time that the public became aware that the commitment made by the minister in July 1998 would not be honoured. The elected representative did not inform the community until that time. In the correspondence that I referred to earlier - the exchange of correspondence between the city and the minister - it is clear that it spoke of residential lots; however, the minister had announced public open space. It was not until August - 10 or 11 months after those negotiations - that the State Government bothered to tell the public.

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The second important point that the group made was that it does not want to lose the school land. The group has a vision for the future of this land as community land. The first preference in its submission to the Western Australian Planning Commission was that the land be rezoned as parks and recreation. Given that a sham process was undertaken, there was no prospect that that would occur, as we now know. A group spokesperson said during the public hearings in December 1999 that -

If the process does not allow this at this stage then we are asking that the rezoning proposal be withdrawn to enable genuine public consultation to occur regarding the land use.

Another important point that the group made was that the policy of the Government's Family and Children's Services' policy office was that -

Families and children are the most important economic and social resource in our community, that strong families lead to strong communities. We are being asked our views by the Government on ways that families, communities, Government and business can work together to improve the well-being of families.

Notwithstanding the Government's policy, the group said that -

And yet we have an example of the Government ignoring families' needs, denying the opportunity for the community to have a real say in what happens in their neighbourhood.

It is important that the House consider the next point -

There is an opportunity to make a planning decision that meets the needs of the people and that build community. The term "social capital" is relevant to this argument. Families live and recreate in the suburbs in which they live. They can only do this if facilities and spaces are provided.

Residential communities provide a support network where the sharing of common facilities in culture, recreation, and schooling strengthen families and prevent social breakdown. These are important values, ones that must be considered when planning decisions are made. The bottom line is not the dollar but the community and we all have a responsibility to ensure that the community is healthy, happy, safe, and secure.

The submission concludes with the spokesperson saying that -

I urge you to reject the proposal to rezone the Scarborough High School land to urban. If this occurs there is no question that the Government and the City of Sterling will sell the majority of the site for housing and the land will be lost to the community forever.

As we know, that is precisely what is now being proposed. The group's submission was contained in the documents that were previously tabled. The State Government is still the owner of the land. At this stage it will sell 70 per cent of the land as residential lots. The Labor Party's position continues to be that the State Government should not be allowed to do that until there is a proper consultative process and until it honours its promises to the community. The only way that can be done is by preventing this planning change. If it goes through, there will be no mechanism for the community to prevent the sale of the land. It will not be saleable, and the State Government will not get the money it needs, unless the rezoning goes through.

The open space action group, as I indicated before, has been very active in this campaign and it has spoken to me, to a good number of members of this House - the Australian Democrats, the Greens (WA), the independents - and I understand to Hon Mark Nevill. Initially Hon Mark Nevill's position, as it has been relayed to me - and I do not think Hon Mark Nevill would contradict me - was that he supported the open space action group. On 12 January this year he wrote to the Minister for Planning and spelt out his reasons for supporting the open space action group's demands. In that letter he said that the group had put a compelling argument and he noted that there was a lack of space in that area, particularly for Doubleview residents; he also noted the overcrowding at the Woodlands and Carine high schools, and quite rightly noted that the site may be needed in future years. He also said in his letter that a significant amount of the area could be bought back for open space by the people who would most benefit from it. Finally, he said he would ask that that particular item be removed from the Metropolitan Region Authority Planning Bill currently before the Parliament - which is something that we would have supported from the outset; I am not sure if it was at that stage, but it was certainly under way - so that some ways of funding this open space could be examined in more detail.

A strong emphasis must be placed on this debate. The community needs to stand back, take a breath and really consider in proper detail the future needs for this land. We need to do that before we change the zoning. Hon Mark Nevill concluded by saying that the land kept for open space would be of immense value in the future to ameliorate social problems etcetera. I endorse everything Hon Mark Nevill said in his correspondence of 12 January. He was obviously impressed by the quality of the submissions and the arguments that had been put to

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him, and he correctly called the important issues in this debate. Regrettably, Hon Mark Nevill indicated in a letter dated 16 November -

Hon Mark Nevill interjected.

Hon G.T. GIFFARD: I think the member will always make a speech. This is a longer letter but the second one is of lesser quality. He probably tried to fill it up with -

Hon Mark Nevill: I put a lot of thought into it.

Hon G.T. GIFFARD: He certainly put a lot of thought into it. He used all the arguments that the Liberal Party has been using to run its very divisive -

Hon Mark Nevill: To rationalise.

Hon G.T. GIFFARD: That could be. It is what one does when one does a complete back flip. One tries to come up with reasons for that back flip.

The reasons I can glean from this correspondence are that the Government has made concessions and that he has been contacted by other community groups that, I also believe, have legitimate views. I understand that. I know of two community groups that are very concerned. One is a basketball group and the other is a police and citizens group. I have spoken about the P&C group and I understand the anxieties. I think the way they have been treated is awful. I understand the needs of the basketball club for community facilities. Nothing it wants is incompatible with what the open space action group wants. The open space action group wants to see community facilities on the site. It does not want to deny the basketball club its desired facilities. The problem is the strategy being employed by the State Government. People are being told that they will not get any facilities unless they agree with the rezoning. That is what is so particularly nasty about the debate. It is being driven by an arrogant, nasty, standover approach by the Government.

Hon Mark Nevill talks about a range of uses, including community purposes, that can be contemplated under urban zoning. They can be contemplated, but the City of Stirling had to be dragged kicking and screaming to agree to go from 20 per cent to 30 per cent public open space. If this disallowance motion goes down tonight there is no prospect that it will be an easy task to convince the City of Stirling that it needs to increase the amount of open space. It would be an extremely difficult undertaking for the community. I believe we would be cutting the community loose if we told it to sort out the acceptable public open space with the City of Stirling. It would be a harsh attitude. Hon Mark Nevill also states that the Minister for Education is prepared to compromise - he has gone from 20 per cent to 30 per cent. I do not believe it is a sufficient compromise, if it is a compromise at all. When is a compromise a political manoeuvre?

Hon E.R.J. Dermer: The other issue is, which 30 per cent?

Hon G.T. GIFFARD: That is true. A lot of things about this are still ill defined. It is difficult for people to know exactly what is being proposed.

Hon E.R.J. Dermer: They are ill-defined negotiations. If the member's motion goes down, people will lose their bargaining chip.

Hon G.T. GIFFARD: Absolutely. They will be cut loose and they will have to sort it out with the City of Stirling. We will not have any further responsibility. I think it would be quite irresponsible of the House to vote down the disallowance.

Hon Mark Nevill went on to discuss the issues about which the minister has compromised. The minister has agreed to rationalise the boundaries to provide for the development of a realigned school oval and relocate play equipment at the school. He also states -

I have received correspondence from community groups who have indicated their conditional support for the proposal on the basis that the recreational facilities which are to be lost will be replaced.

That is the truth of it. They want their recreational facilities, which have been lost, to be replaced. I think it is at an entirely reasonable demand and I do not see any reason that the State Government should not comply. Hon Mark Nevill continues and takes a cheap shot at the Labor Party, which, he says, has been very vague about its proposals for the site. The Labor Party is not vague at all; it is crystal clear on this. A final decision cannot be made about the future use of the land until there is a genuine and legitimate consultation process. That is not being vague; it is being very clear. The Labor Party believes the community has been ignored up until now.

There is nothing vague about that at all, and it is very defensible. Of course, there must be a future use for the land. The question is what will it be, and what is the best and most appropriate way of achieving it? The most appropriate way to approach the issue is to have a genuine, legitimate consultation process.

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I refer to two remarks that were made at the public hearings which were held on 2, 3 and 13 December 1999. The first remarks were made by Mr John Quigley, who was representing Susan Hart and Don Adamson, when he said that the Parliament in its wisdom initially zoned this land crown reserve for public usage, and that the designated usage at that time was school. He also said that the Government has declared it no longer needs the public's land for a school, and it has not consulted with the community to find out what other public purposes that land could be used for.

That pretty well sums up that aspect of the argument; that is, this land has been used for a school, and the Government has failed to consult the community about other uses for this land that belongs to the community. Those are very relevant points. I ask members to reflect on those considerations in this debate.

The other remarks I refer to are those of Christine Samson, who attended those meetings and was one of the first members of the Scarborough High Open Space Action Group. She made some very good points, some of which I will bring to the attention of the House, when she referred to public open space. She said that the survey and views expressed to her when she petitioned the local residents reflected a strong desire for the site to be maintained as a significant open space. She said that if people looked at the maps of the area, they would see that it is a very significant open space, and it was intentionally planned that way so that area encompassing the school would be available for public access. She also said that the site is used for walking, playing, training and tennis, and it is home to much bird life in the many trees. In addition, population density definitely increases along with housing density, so there is obviously need for more open space rather than less. Towards the end of her submission she pointed out that, in her opinion, this proposed amendment was conceived not necessarily with public interest in mind but perhaps from greed. She believes that it has been pushed forward without due respect for nor honest consultation with the community and must be disallowed. That last comment particularly sums up why we must disallow the metropolitan region scheme amendment that is before the House.

The Government's behaviour has been bad. If we do not pass this disallowance, we will reward bad behaviour. Even if the Government gets away with this little stunt in the small hours of the morning, there will be a swell of community outrage at the arrogance and lack of concern about what the community thinks. Also a swell of public opinion will wash over this Government. The three ministers in the Chamber are in their last couple of days as ministers in this House, because when we return next year they will no longer be ministers but members of the Opposition. They will have only themselves to blame because they are arrogant, do not listen and do not take into consideration the views of the community. The community will punish this Government. In the meantime, I call on this House to support the disallowance motion on this metropolitan region scheme amendment.

HON NORM KELLY (East Metropolitan) [12.50 am]: I appreciate Hon Graham Giffard's concise summation of the issues surrounding this motion. I am not the lead speaker for the Australian Democrats on this issue. Once again, we are confronted with a disallowance motion on an omnibus amendment that contains many proposals. We must determine whether one or two of these proposals sufficiently warrant disallowance to knock out 23 or 24 worthy proposals. This House came up with a solution to the omnibus amendments issue, which it passed. We are waiting for the other place to pass the Democrats' Bill amending the Metropolitan Region Town Planning Scheme Act. We will then not need to take that aspect into account when considering disallowance motions on omnibus amendments.

I listened intently to Hon Graham Giffard's remarks, and I will be interested in his response outlining the ALP's proposal for initiating a consultation process that will allow the airing of the concerns of the local community and a planner and produce a solution for the future use of the former Scarborough Senior High School site. When this proposal was released for public comment, 45 submissions were received, 41 of which opposed the proposal. Only two submissions supported the proposal. Interestingly, no submissions from local residents were supportive. The two supporting proposals were from the Stirling City Council and a company representing the Education Department.

The report on the MRS amendment stated that the grounds for objection in the 41 submissions opposing the proposal included the need to retain the gymnasium and the swimming pool, as had been proposed by the Minister for Education. The submission alluded to a letter from the Minister for Education, dated 22 October 1998, to the Mayor of the City of Stirling, Mr Vallelonga, in which the minister wrote -

... the land for community use will include that land containing the hall/gymnasium and swimming pool;

adjacent land for public open space and parking will also be made available;

the Education Department will complete any necessary maintenance work to the pool and hall/gymnasium before any handover;

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The maintenance work done on the pool was extensive; it was bulldozed, which meant it could not possibly have any future use. Hon E.R.J. Dermer: The minister's promise to retain the school hall and gymnasium was included in his media release that announced the closure of the school. On the same day as the closure of the school he made the promise that he subsequently broke.

Hon NORM KELLY: That is right. I can understand there would have been a degree of community support for the closure if they felt there was going to be those valuable assets -

Hon E.R.J. Dermer: It was a throwaway amelioration.

Hon NORM KELLY: I can understand that a certain portion of the community would have been appreciative that it would have access to some community assets.

Hon E.R.J. Dermer: The trouble is that it was false.

Hon NORM KELLY: I appreciate that it has subsequently been argued that the hall was inadequate for use by the wider community rather than for the school. The swimming pool was poorly used by the public outside of school hours; however, the gymnasium and the swimming pool as assets were never given a reasonable chance of being upgraded or utilised so that the community could get greater benefit from them.

A letter from the Mayor of Stirling, Mr Vallelonga, a couple of years after the minister's letter, indicates that perhaps the council is not in touch with its local community. In a letter to Dr Gallop the mayor states -

There is no community demand for the swimming pool. This is possibly because the residents have ready access to what we believe to be the best beaches in Western Australia.

As much as those beaches may be well used, his view trivialises the value of having a swimming pool for exercise and recreation. In recent weeks some beaches have been closed. The alternative of using a swimming pool would have been handy for the local community. A swimming pool would be ideal for people who engage in aquarobics or those who do not feel confident or safe in the surf.

Some arguments have been put in opposition to this proposal because it is believed the school should be kept as a public asset; however, the school has been demolished, so that is not an option. It is also argued that the land should be retained for recreational and community use because it is fully utilised by the community for active and passive recreation. It is argued that there must be a combination of active and passive recreation. It is also argued that there must be some green space in a large area - I would not say a densely urbanised area - which has handkerchief-size patches of public open space. The area does not have ovals or grounds in which members of the public can kick a footy or take the dog for a walk.

The urban population is increasing in density. There has been an increase in R-ratios - density ratios - in the area. Traffic problems may arise from the proposed housing development. This could have the opposite effect because it could ease the traffic issues that surround a high school, which has intense periods of traffic during the day but is quiet at other times. A housing development would provide more amenable traffic flows through the area. The people I have spoken to from the Ministry for Planning have given me no indication about what changes might occur in traffic flows. In these cases we must come back to the proper planning principles, consider these changes, and base a decision on those proper planning principles. Decisions are being made, instead, based purely on the amount of money that the Government can recover from the sale of a public asset. The community is opposed to the allocation of 20 per cent public open space, so the Government is considering an increase to 30 per cent public open space. The Government may find that the community does not view that as an adequate solution.

The issue has boiled down to a bidding war based on what the local community will accept and what effect the sale of the remaining land will have on the Government's bottom line. The Government is not considering the needs of the community in terms of public open space and urban development. The Australian Democrats are disappointed that the Government has not provided an adequate response on how this site should be used in future. I have dealt with a number of metropolitan region scheme amendments during my time in Parliament, and it has been rare to be briefed more by a department than the Ministry for Planning. That situation probably typifies this disallowance motion. It is being driven by the Education Department for the purpose of liquidating what it sees as its asset, rather than one it should hand to the Ministry for Planning and the Planning Commission to determine on behalf of the Government a more suitable use for the site.

The matter is fraught with problems. It is a pity that the success of this motion will result in many other worthy proposals being disallowed. As I have said for the past three years on this matter, the solution has been passed by this House and it is up to the other place to adopt it to avoid that problem.

My colleague, who is the local member for the area, will address more of the issues. I wanted to point out the concerns of the Australian Democrats following its examination of this MRS amendment.

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HON GIZ WATSON (North Metropolitan) [1.02 am]: I refer to the north west districts omnibus amendment 1012/33. The Greens (WA) oppose four of the 25 proposals contained in this omnibus. The first two have not been the subject of debate so far. The first proposal is the transfer of lot 690 Errina Road, Alexander Heights, from public purpose high school reservation to urban zoning. This proposal is similar to the proposal to rezone the Scarborough Senior High School site.

This proposal relates to a Bushplan site, which contains remnant bushland identified in the Bushplan, which, at the very least, is of local significance. It is the subject of 11 submissions from the public, eight of which oppose the rezoning to urban. The land contains banksia woodland, which is in excellent condition. It is also an important ecological link between two important Bushplan sites; that is, the Landsdale Road Bushplan site No 199 and the Koondoola regional Bushplan site No 201. The submissions on this proposal may denote that the implementation of the Bushplan is languishing because this Government is not willing to prioritise it and to allocated the resources necessary to protect the sites identified in the Bushplan. The Errina Road site is owned by the Ministry of Housing; therefore, it would not need to be purchased. It could simply be rezoned for conservation purposes. The Greens (WA) are opposing that proposal. The vegetation type at this site is the Karrakatta complex, central and southern, which is inadequately represented in the Swan coastal plain in the Perth metropolitan region because it has been extensively cleared. Even if all of the identified Bushplan sites that contained this vegetation complex were reserved, it would still represent 8 per cent of the remnant. The Bushplan recommends that wherever possible we should reserve 10 per cent of each of the 26 vegetation complexes that are known to exist on the Swan coastal plain. The Greens (WA) also oppose proposal No 4, which rezones from rural to urban a portion of Flynn Drive road reserve and lot 10 Flynn Drive, Carramar. That piece of land has remnant vegetation in excellent condition that could easily be added to the adjacent Bushplan site No 295.

Hon Ken Travers: Is the land part of the Bushplan site?

Hon GIZ WATSON: No, the site itself is not identified in the Bushplan, but there is some suggestion that that may have been an oversight, since it is adjacent to an identified site.

Hon Ken Travers: Hopefully the minister can answer that in his response.

Hon GIZ WATSON: Perhaps, yes. Not all of that site is remnant vegetation, but the northern portion could be included in Bushplan site No 295. Approximately 75 per cent of the vegetation is considered to be in excellent to very good condition, with the remainder considered to be in good to degraded condition with severe localised disturbance. The Greens (WA) also oppose proposal No 17, which involves the rationalisation of the Reid Highway primary regional road reservation from Marmion Avenue to Reid Highway, Carine. This proposal is to transfer portions of the road reserve from primary regional roads reservation to urban zone and parks and recreation reservation, and by transferring portions of the parks and recreation reservation to the primary regional road reservation. This issue has raised community interest in the Carine area, and has a bit of a history, having been on the books since 1963. The original proposal in May 1992 was withdrawn, predominantly because when that proposal was put up the Environmental Protection Authority gave it a public environmental review rating. Main Roads WA subsequently withdrew the original proposal and made a modified proposal, which reduced the impact on Lake Carine but which would still bring the highway extension to within five metres of the edge of Lake Carine. Lake Carine is a gazetted wetland and is identified in the System 6 document. It is also subject to the Swan coastal wetlands environmental protection policies. The unfortunate aspect of the environmental impact assessment of this proposal is that because the original proposal would have had such a drastic impact on the wetland, when the proposal was modified, sections of the conservation movement breathed a sigh of relief. Their opposition was not as vigorous as it might have been had the first proposal been progressed. However, the Conservation Council, for example, still says it clearly would prefer that the highway extension did not go ahead.

Another interesting aspect of this proposal is that the Water and Rivers Commission, which now has responsibility for looking after our rivers and wetlands, had not been established at the time the Environmental Protection Authority was asked to make its assessments. Therefore, the Water and Rivers Commission has never been asked directly to comment on this proposal. Members might need to be reminded that we have lost 90 per cent of the wetlands on the Swan coastal plain since European settlement, so few wetlands are left in the metropolitan area.

Hon Barry House: We have not lost them.

Hon GIZ WATSON: We have lost them. We have either filled them up with rubbish, drained them or built houses on top of them. That is what has happened to the wetlands in the Swan coastal plain.

Hon Ken Travers interjected.

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Hon GIZ WATSON: If the member wants to go into that, most of Perth is built on a wetland. The current policy for the management of wetlands in the Swan coastal plain is that there should be a minimum buffer zone of 50 metres; and if the wetland is considered to have particular significance, the buffer zone can be extended to 200 metres. There is still a proposition for the extension of the highway to go within five metres of Lake Carine.

The other major issue that has been raised with regard to the highway extension is that two major retention basins will be built to take the run-off from the highway and also to take the stormwater that currently runs into Lake Carine unfiltered or unsettled. One of those sumps will be lined and the other will be unlined. In other situations in which retention basins collect stormwater, there is an accumulation of hydrocarbons, heavy metals and all the other materials that run off the highways. Although the first basin will reduce the pollutants that will enter the lake, a problem arises with that basin being located within the current lake reserve.

The Greens (WA) have raised in this House the need for this extension. We do not believe it has been proved that this extension is necessary. For example, since the opening of the third lane on Mitchell Freeway, traffic on North Beach Road, which this extension is intended to reduce, has already been reduced by between 25 and 40 per cent. I point out also that with regard to the proposed Stephenson Highway in the western suburbs, a number of the councils in those suburbs employed an independent road expert to check Main Roads' estimates of anticipated traffic levels and found that those anticipated traffic levels had been overestimated. Therefore, there was no need for the Stephenson Highway proposal to go ahead. I believe that an independent assessment of the estimated increase in traffic loads on this section of the freeway would reach the same conclusion.

The Lake Carine Protection Group has been very active in opposing this extension. It has collected thousands of signatures and has also worked with other local groups, such as the West Carine Residents Group and the Concerned Parents for Children's Road Safety, to gather support to oppose the highway extension.

It is also worth noting that the cost of a mere 2.7 kilometres of extended freeway will be \$20m. The Greens (WA) argue that with \$20m it could do an awful lot to get people off the roads and reduce further the need for freeways.

Hon Ken Travers interjected.

Hon GIZ WATSON: That is the figure, so it is a fairly expensive piece of road. The Greens argue that if the Government were to invest that sort of money in public transport and ways to reduce people's car use, there would be a much more constructive outcome for the community, and it would not further divide communities by putting in four-lane highways. The point has been made also that this extension will facilitate the flow of heavy trucks onto West Coast Highway. The specification for this extension is that it should take B-double articulated trucks. This will greatly increase the use of this piece of highway by heavy haulage vehicles.

I inform members of an issue that I have raised here by way of questions; that is, whether Main Roads can legally construct the drainage basins if this metropolitan region scheme amendment is disallowed, which it may be this morning. The Lake Carine Protection Group sought some advice on this matter from the Environmental Defender's Office. I have a copy of the response it received on whether it would be lawful for those retention basins to be built if the MRS amendment were not successful. The response from the Environment Defender's Office to Dr Richard Langford of the Lake Carine Protection Group reads -

... the Main Roads Department is currently undertaking constructing drainage basins in an area that is reserved as Parks and Recreation under the Metropolitan Region Scheme ("MRS"). The Government has approved an amendment to the MRS to designate the area in question a Regional Road Reserve. However, either House of Parliament may disallow that amendment, and indeed I understand that the Labor Party has introduced a motion to that effect in the Legislative Council.

Dr Langford asked whether the current works are unlawful, given that the MRS amendment has not yet been finalised. The response refers to clause 13 of the metropolitan region scheme and states -

Except as provided in Division 2 of this Part no person shall commence or carry out any development on reserved land, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Commission to do so.

It goes on to argue that the commission can give permission for works other than the erection of a boundary fence, and states -

Clause 16, which falls within Division 2, provides that:

(1) Reserved land owned by or vested in a public authority may, except as provided in sub-clause (2) of this clause be used without the written approval of the Commission referred to in Clause 13 if the land is used:-

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- (a) for the purpose for which it is reserved under this Scheme; . . .
- (c) for the purpose for which the land may lawfully be used by the public authority.

The claim that these sumps can lawfully be built relies on clause 16. The letter goes on to say -

In my view the Department of Land Administration is a “public authority” within the meaning of clause 16. It was therefore open to the Commission to issue an approval for the works under clause 16(2).

The next question is, “Can the Commission’s decision to grant the approval be challenged?” It further says -

A third party, such as a local resident or organisation, does not have the right to appeal against a decision by the Commission to grant development approval. . . . However, a third party may be able to challenge an unlawful decision in the Supreme Court. . . . the Commission does have the power to approve a development that is inconsistent with the purpose of a MRS reserve. However, this does not mean that every decision of the Commission to do so is lawful.

In conclusion, the letter says -

1. It is legally possible for the Commission to issue approval for a development in a Parks and Recreation Reserve which is inconsistent with the purpose of that reserve, where the land is owned by or vested in a public authority.

However, it suggests -

2. In the present case it appears that the land in question is owned by or vested in a public authority, namely the Department of Land Administration.
3. It follows that in the present case, it was open to the Commission to issue approval for the works even though a proposal to amend the Parks and Recreation Reserve to a Regional Roads Reserve has not yet been finalised, and may be disallowed . . .

It suggests -

- (a) Whether the Commission’s decision to issue the approval can be challenged, e.g. because it failed to have regard to the purpose for which the land was reserved. In order to assess this we would need to have some evidence of the reasons for the Commission’s decision.
- (b) Whether Main Roads is acting within the scope of the development approval which has been granted to it. In order to assess this we would need a copy of the plans submitted . . .

That leaves in question whether it would be legally challengeable that the commission was acting lawfully in allowing the construction of the retention basins to commence on the land that is still currently reserved for parks and recreation.

The final proposal within this omnibus amendment on which I wish to comment, although briefly, because I know other members will speak at length about this proposal, is proposal No 25, which concerns the rezoning of the Scarborough Senior High School site from public purposes to urban. From the outset, the Greens (WA) have opposed this rezoning because we oppose the sale of public assets, in particular the ongoing sale of assets of the Education Department, especially bushland sites and sites like the Scarborough Senior High School site, which are of enormous value to the local community. It has been pointed out by other speakers that Scarborough does not have a large amount of open space and public reserves, and the opportunity to use the Scarborough Senior High School site as a community asset is invaluable at this point in history. The local community has every right to expect that this site will remain as a community asset to be used for new purposes and that it will be allowed to play a part in shaping the uses for the site.

We note that there has been very vocal and vigorous opposition to the proposed rezoning, as there was to the closure of the high school in the first place. We acknowledge that some very divisive politics have been played out around the proposal to sell off this site. An appallingly cynical exercise has been played out by both the Stirling council and the Government in holding to ransom the Newborough Primary School, for example, and breaking promises that they would re-establish facilities, such as the gymnasium and swimming pool. At the outset, that was not tied to the sale of the land.

I will limit my comments about Scarborough Senior High School, because numerous members have spoken on this proposal. It is probably the most contentious aspect of this omnibus amendment. The Greens (WA) have said all along that we would oppose the sale of the site, and we offered to move this disallowance if the Labor Party did not. It has, and we will support it.

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I am exceedingly disappointed to have an indication that this will probably be unsuccessful because of Hon Mark Nevill's impending support for the amendment. I know he has not spoken yet, but that is the indication.

Hon Mark Nevill: You are a psychic.

Hon GIZ WATSON: Yes, I am. I appeal to Hon Mark Nevill to reconsider his position. Having spent an enormous amount of time speaking to people about this issue, attending meetings and establishing the extent of support for retention of the entire site as a public asset, I appeal to him to allow this disallowance to be passed. Its rejection will cause great disappointment, and perhaps even anger and distress, in the Scarborough community. I have a very strong sense that the level of community consensus on this issue is very high. Of all the issues I have dealt with since I have been in this place, this is the most definite in terms of what the community wants. I make a final plea to Hon Mark Nevill to take heed of those community voices and to support the disallowance. I hope that we are able to prevent the loss of this site to that community forever.

HON MARK NEVILL (Mining and Pastoral) [1.26 am]: However misguided I might be, I think I am dealing with reality in making my decision on this issue. The passage of this legislation in itself will not determine the ultimate use of the land. However, it will bring the issue and some of the uncertainty to a head. Perhaps a better opportunity can emerge from my decision.

The entire Scarborough Senior High School site is worth saving. The reality is that neither of the major parties will save 100 per cent of the site, and neither has said that it is slightly inclined towards doing so. On the one hand, we usually see Governments trying to maximise the revenue to be obtained from a situation. On the other hand, the Opposition is protesting but not really offering anything substantive.

Hon Ken Travers: If we commit to saving 100 per cent, will you support the disallowance?

Hon MARK NEVILL: Yes, but it will not happen. The submission from the action group said that the bottom line is the dollar. Unhappily, it is. Just last week we passed an amendment to the Financial Administration and Audit Act, which sets up a capital user charge. It is an incentive for Governments to rationalise property that is not earning its keep. I will read an extract from the second reading speech on the Bill we passed last week, which states -

The capital user charge provides an incentive for agencies to reduce capital employed by disposing of surplus assets or seeking more cost-effective replacements. These actions lower the charge while allowing agencies to retain the initial level of funding. Such action also contributes to a reduction in the State's net debt.

That is another mechanism whereby assets that might be termed "busy" are sold. Hon Norm Kelly hit the nail on the head when he said that the Education Department is driving this more than the Western Australian Planning Commission. That is clearly the case.

Hon Graham Giffard quoted from my letter to the minister, which I wrote after I had met with the action group. He said that I was impressed with the action group. I was and I still am, but I am a realist. The Government has now offered 30 per cent public open space. There is no other offer, and we could delay this until after the next election. If the Labor Party wins, there is nothing stopping it from changing it. It can increase it to 50 or 100 per cent, but that will not happen. The roles will be reversed and there will be an attempt to maximise the revenue from the property.

When I wrote this letter to Hon Graham Kierath, I flagged one aspect that Hon Graham Giffard did not mention. I also flagged the same issue when responding to some queries about the Sunset Hospital site. If people want to stop Governments from selling land they want for open space, they must develop a mechanism with their local shires through which they can contribute to the repurchase of that land, otherwise they will not get it. That is the reality we must face when dealing with any Government.

Hon Peter Foss: It is not without cost.

Hon MARK NEVILL: Exactly. I said in the letter that residents in the area should contribute something towards the cost to the Government of not redeveloping the Scarborough Senior High School site, with a small levy on Stirling City Council rates. A significant amount of that area could be bought back for open space by the people who would benefit most from it. Carine has a system in which blocks cannot be redeveloped.

Hon B.K. Donaldson: By differentials or a levy?

Hon MARK NEVILL: I do not think so. It is a circle of influence around a certain area.

Hon Ken Travers: Like caveats over the property.

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Hon MARK NEVILL: It is in Menora, not Carine. Certain people who benefit from a town planning decision contribute towards that. That is reality; if people want more than 30 per cent of this site, somehow they must develop a mechanism through their local government to increase it, because whoever is in government will minimise it.

The community might end up with 50 per cent. However, it is a good dream if it believes it will get 100 per cent - it just will not happen. I even received a letter today from a fairly prominent person seeking to secure 100 per cent of the site. That just will not happen.

Members have referred to most of my correspondence and have outlined my views. There is nothing new to be said about the money that is being offered, the additional area to be set aside for open space and some of the commitments about reconfiguring the land and building closer to the community. The community will have about three months to extract from the Opposition and the Government - it will get not much more out of the Government - the best commitment that it can get. If it does not get a commitment before the election, it will not get much change after it. That is where the opportunity really lies. Voting for the disallowance will make very little, if any, difference to the ultimate outcome. The real benefit can be derived prior to the election, and that benefit will present itself because someone has his or her head on the block.

Hon Ken Travers: It will be sold by the time the election comes around.

Hon MARK NEVILL: I do not believe it will be.

Hon Ken Travers: Do you have a guarantee from the Government?

Hon MARK NEVILL: I want a commitment from the Government that it will ensure that 30 per cent of the area is reserved for open space. Hon Graham Giffard suggested that there was no such commitment. I want the Attorney General to say that publicly if there is no such commitment. Members talk about proper processes. My question is: Will there be a different outcome? If this matter is prolonged, it will just continue people's anxiety. Members can make a commitment before the election; they can put up their hands and say what they will do. If the Opposition wins government, it can vary the amendment as much as it likes.

Hon Ken Travers: But not if the land is sold.

Hon MARK NEVILL: It will not be sold before March.

Hon Ken Travers: Will you get a commitment from the Government that it will not be sold? Before you support the allowance, ask if it will give you that commitment.

Hon MARK NEVILL: Does Hon Ken Travers believe that the Government works that quickly?

Hon Ken Travers: Yes; it is ready to go now.

Hon MARK NEVILL: I do not think so.

Hon Ken Travers: Ask it for a commitment before you support the allowance.

Hon MARK NEVILL: I am asking Hon Ken Travers for a commitment. He is the one who said he would give the community 100 per cent of the land. If Hon Ken Travers had said that publicly a week ago, I would not support the allowance. There is nothing on the table. The Opposition has had my letter for a week, in which I said that the Australian Labor Party is vague on its proposals for the site. The ALP has not said that it would not develop the site, only that it would undertake proper community consultation. That is a very vague position. Its most tangible offer was for playground equipment for Newborough Primary School. Every member has read my letter, except for the bits they do not like.

Hon Ken Travers: What we are saying is that we should be making a decision -

Hon MARK NEVILL: It is not what Hon Ken Travers is saying about the ALP's position that matters but what I am saying and how I interpret the situation. I do not know whether the ALP will put a pool on the site. If it gets into government, it can vary this area of open space. However, there is an opportunity for the action group to get a better outcome under the circumstances that are developing.

I would tell the members of that group not to give up. They should use the situation and the leverage it gives them to their advantage. Some people have a different view.

Hon E.R.J. Dermer: That is absolute nonsense.

The DEPUTY PRESIDENT: Order! Hon Mark Nevill has the floor.

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Hon MARK NEVILL: Earlier tonight I discussed the leverage with Hon Ed Dermer, and we had a different opinion on that. Hon Ed Dermer thinks the leverage is in not passing this omnibus. I think the leverage is with the election. It will be a close election.

Hon Ken Travers: It will be gone by then. Mark my words.

Hon MARK NEVILL: I think Hon Ken Travers hopes it will be gone - that is the problem. I have made my decision in good faith.

Hon Ken Travers: We think the leverage is to get a commitment from the Government not to sell it before the election. You are copping out.

Hon MARK NEVILL: I have given, to the best of my capacity, a good hearing to the people who have contacted me on this issue. I have not responded to the hundreds of letters, but many people have phoned me. To my knowledge, I have not refused to see anyone on this matter and I have heard all sides of the argument. I have not come to this decision lightly. The events of the next few months will unfold. I do not think that whatever happens -

Hon E.R.J. Dermer: What is your real reason for changing your position? You haven't offered it tonight.

Hon MARK NEVILL: The real reason I changed my position was that other groups from that area lobbied me.

Hon E.R.J. Dermer: The Government?

Hon MARK NEVILL: No. The Government has not lobbied me. I have not given a commitment to the Government to support this omnibus. I told Hon Peter Foss tonight that there was no point in bringing the Sunset disallowance motion on, because I would support the disallowance. That matter will not come on tonight. I have made no commitment to support the Government's position. Some people in the Australian Labor Party do not understand that I do not do deals - I try to judge issues on their merit.

Hon E.R.J. Dermer: Nonsense!

Hon MARK NEVILL: It would be strange for Hon Ed Dermer. I will not support the disallowance.

HON HELEN HODGSON (North Metropolitan) [1.42 am]: I do not intend to unduly prolong this debate but, as a member representing the North Metropolitan Region, I feel it is important that my views on this issue be on record. I do not intend to speak on any technical matters because they were addressed by my colleague, Hon Norm Kelly, and by other speakers in the debate. The technical matters of process and procedure have been extensively addressed.

I will refer to two particular aspects of the metropolitan region scheme. The Democrats have taken this step because the party supports the position of the community on those two amendments. The first is the Scarborough amendment, on which the majority of debate has been tonight. I acknowledge that the people involved in the Scarborough High Open Space Action Group are so committed to the cause that they have waited in the gallery until 1.00 am to hear the debate on this matter commence. A number of them are still in the public gallery because they want to know the outcome of this debate.

Hon E.R.J. Dermer: They are all still here.

Hon Ken Travers: Hear, hear!

Hon HELEN HODGSON: That level of commitment shows how deeply concerned those people are about this issue. It is significant that those people went to the extent of developing their own plan for the grounds. That group has mounted its own security watch over the school grounds. They have communicated with the Education Department on any matter that they thought the department should know about. What reward have those people had?

The facilities that they were promised would be retained were the first to be demolished. The local council has not committed to replacing those facilities. They will also lose the only large area of open recreational ground within a reasonable distance of that part of Innaloo and Karrinyup. The group's concerns are well and truly on the record and I applaud their commitment to this cause. Over the past year they have been in regular contact with me and my office; they have shown that they genuinely believe that this is the wrong treatment for that land and they deserve our support.

The second community group I refer to and applaud for its actions is the group working to save the Carine area. The Carine issue is a little more complex, because there seems to be a divide within the community as to whether it should or should not be supported. That is why we need to have a debate, because where there is a division of views we must resolve those issues and work them through. Some of the issues relate to the closure of Everingham Street, the concerns about the implications for traffic flow, dangerous situations developing, the

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community being split by a very large and busy road, and the issues to do with road safety when an open road comes in to a highway as busy as the Reid Highway. Another issue is the truck routes going through that part of the suburb and whether that is part of a larger plan to develop a different truck route through the Northern Metropolitan Region. We also have the environmental issue about the way the Reid Highway proposal eats into the Bushplan area. The newspapers have contained a number of articles about tortoises and the fact that they are a protected species currently being endangered by the heavy earthmoving equipment. I believe the construction workers have been told to watch out for them and to stop if they see any!

Main Roads has started construction work in an area that has not yet been assessed through the metropolitan region scheme and we have a very active community group saying that the work should stop, that they want this to be considered separately and properly and that they do not necessarily agree with it. Referring to the one technical issue, this again proves the need to separate the controversial aspects of these metropolitan region planning schemes.

I said I would be brief because it is rather early in the morning, but I applaud the community; I applaud their concern and their desire to keep their community whole, with focal points, and with areas in which families and children can gather, play and recreate. We support the disallowance motion.

HON KEN TRAVERS (North Metropolitan) [1.48 am]: I accept there are a number of amendments within the metropolitan region scheme that we are dealing with tonight but, like other speakers, I will focus on the Scarborough Senior High School site - proposal 25. I join with other members by placing on the record my thanks and congratulations to the local community activists who have campaigned so hard, firstly, in opposition to the closure of the high school and, secondly, in trying to maintain the high school site as public open space. I hope, although I suspect without much luck, that Hon Mark Nevill will give this matter one last thought before he returns to the Chamber to vote. I realise he is away on urgent parliamentary business, but I asked him to make sure he listened to the debate. I certainly appealed to him to reconsider his position.

I was probably the first person who brought this site, which required an MRS amendment, to the attention of the local group. After having read the proposals, I spoke to the group and pointed out that there was a metropolitan region scheme amendment out for public comment. It was unfortunate that it was towards the end of the public consultation period when I first noticed it. As a result, the group had only a short time in which to prepare submissions. The group did an excellent job in preparing its submissions at such short notice.

I will refer to an area that has not been dealt with tonight. The debate should be put into a historical context. I urge members to read the Stephenson report which was published in 1955 and on which the metropolitan region scheme is based. I accept that there have been changes to the way the metropolitan region scheme is administered. One change is that high schools are no longer separately zoned within the metropolitan region scheme in new areas. I think it is an unfortunate change, but I accept that it is the current practice. In the past, when the Stephenson report was first developed, it recommended that there be separate zoning for high school sites. The reason high school sites were zoned separately when the metropolitan region scheme was first established in 1963 is that they were seen as an important and integral part of the district open space that was needed for the community. Professor Stephenson did a scientific analysis of what was required for a community to have the necessary playing fields and the like to service its needs. He set standards in terms of the number of hectares that were required. The standard high school site was about 10 hectares. It was seen as fulfilling part of the needs of a local community with respect to playing fields. When Scarborough and Innaloo were first planned, they were done using that model. However, parts of them were designed prior to that. As a result, they do not meet the standards set by the Stephenson plan for public open space; but the high schools were zoned separately. At a public meeting, the member for Innaloo displayed a map that highlighted the areas in Innaloo that had a shortage of public open space. Before the House allows the rezoning to proceed it needs to see a commitment to public open space with respect to the needs of the local community, as outlined in 1955 in a visionary report that still holds true to this day.

I ask members also to take into account the development plans released by the Ministry for Planning that indicate where housing is expected to be developed within the metropolitan area over the next five years. If members were to look at the plan that was released last year, they would see a number of dots on it around the Scarborough Senior High School site that indicate that the land is expected to be subdivided and new, higher density housing will be built. The area immediately north of the site is due to have infill sewerage. That will allow that area also to be subdivided. There will be significant infill growth in and around that area, which is already under serviced by parklands and playing fields.

Hon E.R.J. Dermer: It will end up with high density housing and no public open space.

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Hon KEN TRAVERS: The area already has an under supply of public open space and is undergoing significant gentrification. Young families are moving back into the area as older families move out. The houses are redeveloped as the next generation moves in. The one area of public open space providing playing fields and the like is at the high school site.

That is why the area equivalent to the public open space at the old high school site should be kept at the very minimum. This is the point Hon Mark Nevill has missed in assessing the Australian Labor Party's position on this issue: We take the view that the decision on the future of the site should be made in association with the local community. The local community needs to be the key player in reaching the final decision on what happens to that open space. We have proposed a process which has worked in the Midland area and which will work in this area. The process involves getting the community together and letting people decide how they want the area to be developed.

After sitting down and going through a proper process, which will be administered and assisted by a Labor Government, if the community wants 100 per cent of that land to remain as public open space, I can tell Hon Mark Nevill that the Labor Party will commit to saving 100 per cent of the land. If as a result of that process the community said that it would like 10, 30 or 40 per cent of the land sold off to allow other facilities to be built to make the open space more useful for the community, we would support that decision. That is the fundamental difference between the Labor Party and the Liberal Party on this issue. We will work out solutions with the community and listen to its views, respond to them and deliver what the community wants, not what we want, what we think is the best or what this House decides.

I say also to Hon Mark Nevill that I firmly believe this land will be sold before the next election, so an incoming Labor Government will not have the option of redefining and redesigning the proposals for this area. I urge Hon Mark Nevill, before he supports this motion tonight, to make sure that he gets a commitment from the mob on the other side that they will not sell the land before the election, and that they will give people the opportunity of making a choice at the ballot box between Labor and Liberal and who they think will best serve them.

Hon Mark Nevill: You are going to save 100 per cent?

Hon KEN TRAVERS: I have just given the commitment that if that is what the community wants, we will save it. It is not for us to sit here and tell the community what it wants. That is the fundamental difference between the two parties. If Hon Mark Nevill cannot see that, I am probably banging my head against a brick wall. At the very least, we should let people decide at the ballot box. Let the amendment go through tonight, but let Hon Mark Nevill make sure that the mob on the other side gives him a commitment that they will not sell that land prior to the election. That is the least I ask Hon Mark Nevill to do.

It is between six and nine months since Hon Mark Nevill left the Australian Labor Party. From where I have been sitting, in many respects I understand why it occurred. However, he made a commitment that nine times out of 10 he would vote with the Australian Labor Party. On a number of issues that have come before the House, he has decided to vote in what he believes are the best interests of his electorate or on the basis of his philosophical position. I do not think his philosophical position has changed, but I accept that the ALP has moved on and that is why he is no longer a member.

Hon Mark Nevill: Are you saying I'm consistent?

Hon KEN TRAVERS: Yes, I am. I am also asking Hon Mark Nevill to think long and hard about the commitment he gave to vote nine times out of 10 with the ALP. When he has made decisions to vote against the ALP, they have been made either on the basis of long-held philosophical views or, most importantly, what he believes is in the best interests of his electorate. I appeal to Hon Mark Nevill, as one of the members for the North Metropolitan Region for the ALP, joined by my other two colleagues, Hon Ed Dermer, and soon to be a member for the North Metropolitan Region, Hon Graham Giffard, to let us on this occasion have the opportunity of defending the interests of our electorate. I appeal to him to vote with us on this occasion, in one of those nine times out of 10 votes to which I have been looking forward. The member should vote with us to allow us to represent our electorate. The people of the Mining and Pastoral Region will not care which way Hon Mark Nevill votes on this issue. He should think about the fact that he was put into this place as a member of the Australian Labor Party. I have not said this before tonight: On this one occasion, the member should think long and hard about that fact before he votes on this matter.

Hon Mark Nevill: You offered these people 40 per cent, and the Liberal Party's offer might be up to 50 per cent by now.

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Hon KEN TRAVERS: I will offer 100 per cent if that is what people want. Can the member tell me what the community wants? No-one can. That is the problem. Can any member tell me what the community of Scarborough and Innaloo around that site wants?

Hon Mark Nevill: They want as much public open space as they can get.

Hon KEN TRAVERS: That is not right. Certain sections of the community want what the member suggests, but some sections would like to see the land sold off and the proceeds used for community purposes. Without going through a proper consultation process, I do not profess to know the answer to that question. I want the ALP to make those decisions after the election.

Hon Peter Foss: How many times do you have to say it?

Hon N.F. Moore: Get on with it.

Hon KEN TRAVERS: We will get on with it as soon as the Government agrees to support the disallowance motion.

Hon N.F. Moore: Are you telling us you will stay here all night until we change our mind?

Hon KEN TRAVERS: Not really.

Hon N.F. Moore: Thank God for time limits on speeches.

Hon KEN TRAVERS: We should try to save 100 per cent of this site because in my lifetime, and even in my lifetime in this House, the Government will need to look around for a new high school site in the Scarborough area. The Government made a short-sighted decision to rip down the old high school. Hon Mark Nevill's letter made comments about Woodlands, although I assume he meant Churchlands, and Carine Senior High School being already overcrowded. When one considers the demographics and infill in the area, a high school will be needed in Scarborough within 20 years. That is why I will advise the community that, when undertaking its consultation, it should think closely about selling any land because it might be required for a high school site. Once this land is gone, no other land in the area could be used for a high school site. The area lacks parklands.

I urge other members representing the North Metropolitan Region and Hon Mark Nevill to think long and hard about what Stephenson said, and why high schools are zoned as separate areas in the metropolitan region scheme. Members should think about the shortage of public open space in the area - even the member for Innaloo accepts that fact. Hon Mark Nevill should consider that his former Labor colleagues want a decision made. On this one occasion, Hon Mark Nevill should remember that he was elected to this place as a Labor member. He should support what we think is right for our electorate, as the member has done for his electorate in recent times.

Finally, we must ensure we get a commitment from the Government not to sell the land; therefore, the Labor Party can make the ultimate decision. Let the community decide what happens to the site, not a bunch of bully boys in a Government that is out of touch.

HON E.R.J. DERMER (North Metropolitan) [2.04 am]: I start by apologising to my colleague and friend Hon Ken Travers. I did not mean to interrupt or anticipate what he was about to say. The clear logic of his argument about the need for children to have decent open space in which to grow and develop caused me, at this late hour, to become carried away and I helped him finish his sentence.

I hope that did not disrupt the member's line of thought. On the strength of the member's argument that followed, I am pleased to note that I did not appear to do so.

As members will be aware, I have followed this issue closely since the defence of the Scarborough Senior High School began. It concerns me that this community has suffered deception and corresponding disappointment on a number of levels. At the end of 1997, the Minister for Education promised a consultation process on the future of the school. That was deceptive. It was clear that before the consultation process began he had decided to close it. That was confirmed in the fullness of time when he announced his decision in mid 1998. At that stage he decided that he would promise the continued availability of the pool and gymnasium, but he reneged on that decision. Again, there is reason for disappointment. I have developed an increasing admiration for the community during this succession of events, in which they have essentially been lied to. Rather than become disappointed and allow whatever disappointment may be in their hearts to deter them from their cause, they have grown in strength.

I listened with interest to the comments by Hon Norm Kelly in his contribution to the debate. He was correct in saying that the Labor Party had offered a consultation process. We have taken that position consistently since it became evident that the Minister for Education's intent was to destroy the school and utilise that land to maximise the return to the Government, without regard to the concerns of the people in the community. The

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Labor Party's position has been consistent. By consistently putting our position into the public arena from an early stage, we applied pressure to the Government. The proposed 30 per cent public open space at the school site is inadequate. I am concerned that the 30 per cent of the site will comprise a large portion of limited quality land. Even the inadequate 30 per cent on offer from the Government would not have been offered had the pressure not been applied by the non-government members in this House. Until recently, we thought Hon Mark Nevill was among them. The Labor Party applied pressure on the Government by way of an urgency motion and, more recently, by moving the disallowance motion through my colleague, Hon Graham Giffard.

Hon Ray Halligan: The member has tickets on himself, it had nothing to do with him.

Hon E.R.J. DERMER: The Labor Party has effectively applied pressure. Our position has been consistent. One of the consequences is the move by the Government towards that 30 per cent - albeit an inadequate amount of public open space.

Hon Ken Travers: I look forward to Hon Ray Halligan's explanation about how the 30 per cent came about, if it was not because of our action.

Hon E.R.J. DERMER: Hon Ray Halligan would not have been made privy to the intent of the Minister for Education. A gentleman of some honour such as Hon Ray Halligan would not be trusted by someone of the character of the Minister for Education. It has been demonstrated time and again that that minister is relaxed about abusing, lying to and bullying members of the Western Australian public. The facts are on the record, there is no need to believe me if members do not wish to.

Hon Norm Kelly indicated that this section of the MRS amendment appeared to be driven by the Education Department rather than by any planning consideration. That was borne out by Hon Ken Travers. From a planning perspective, the idea of replacing that area overwhelmingly with high density residential development is planning nonsense. It is driven by the Minister for Education's determination to impose his will on the community in Western Australia.

I find it interesting that the Minister for Education has determined that the people in Scarborough cannot get at him directly through the election. On the Scarborough high school site, therefore, he is prepared to put up a show of false courage to impose his will and to repeatedly deceive the people in the area. He obviously has no respect for his colleague the Liberal candidate for Innaloo.

In contrast, when the Leighton Shores development became an issue - in the Minister for Education's electorate - all the false courage he demonstrated concerning the Scarborough high school site abandoned him. The minister determined the community strength; quivered, backed down, denied his responsibility for decisions made collectively by the Cabinet of which he is a member and buckled. In that instance, I think the stand taken by Alannah MacTiernan, the opposition spokesperson for Planning, helped bring about a result for Leighton Beach and the surrounding areas. It was interesting to see the Minister for Education buckle under on that issue because the community could punish him through the ballot box. He was frightened of how his constituents would vote, so he caved in. On the other hand, he feels it is safe to treat the people of Scarborough like dirt.

I appreciate the lateness of the hour. I am tired, as is everyone else. However, the importance of this issue demands that I persist. I remember when I was in high school reading the various works of George Orwell. His novel *1984* contained an interesting description of how the secret police imposed their will on the people of Oceania. Ironically, the secret police unit was described as the "Ministry for Love" and the propaganda division was described as the "Ministry for Truth". *1984* may have come and gone, but in this Chamber in November 2000 the spirit of George Orwell lives on with great strength.

In one breath, Hon Mark Nevill said that he believed the people in the Scarborough area should retain 100 per cent of the school site as public ownership; however, he is prepared to take away from them the only leverage they have to ensure they get the best possible deal from whichever party wins the next election. He will help take away from them the crown reserve for public use of the Scarborough high school site.

I do not like to lose my temper, and I apologise for the second time tonight for losing my temper earlier. However, I had explained to Hon Mark Nevill as clearly as possible that the only vehicle by which the people of that community can achieve a decent outcome for themselves - that is, in the final use of the site - is to retain it as a crown reserve. Any Government will need to get through this Chamber any proposition to change the use of that land from crown reserve to any other purpose. Obviously, in this instance that use is primarily residential development. The people in the community understand full well that crown reserve on that land gives them the power to bargain for a decent outcome with decent access to public open space and public facilities for their community. That could not be plainer; it is straightforward. Hon Mark Nevill's claim, in the worst traditions of George Orwell's creation in *1984*, that he wants 100 per cent public open space for the people of that area, while

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at the same time seeking to take from them the one instrument they have to bargain for the best possible position, is a 180 degree reversal which caused me to lose my temper.

Hon Mark Nevill, like the member for Cottesloe, knows that in his electorate, he does not have to face the anger of the people of Scarborough and the surrounding districts. It is a disgraceful decision, compounded by his previous clear indication of support for that community. He has reneged on that promise. I have held quite a degree of respect for Hon Mark Nevill in the past; this was much more so than for the member for Cottesloe. Both show a lack of respect for people, and a preparedness to distort the truth to justify their actions. Hon Mark Nevill has suggested that I am wrong when I put the proposition that a crown reserve on that land gives the people the opportunity to bargain for a good outcome for their community. Hon Mark Nevill, by his vote tonight, will take that bargaining power away from them. To suggest that is not the case is an insult to every member of this House and to that community. Hon Mark Nevill may deny my proposition, but the people themselves are the best judges of what is good for that community. I have spoken to a hall full of people from that community, and to the best of my recollection - Hon Ken Travers may back me up on this - not a single dissenting voice was heard in the hall.

Hon Ken Travers: The member for Innaloo was there.

Hon E.R.J. DERMER: Of course. The member for Innaloo, a former teacher at Scarborough Senior High School, was happy to see it torn down. The member for Innaloo is comfortable because he is retiring and the voters cannot get him; that position shows scant regard for the incoming Liberal candidate for Innaloo. His was the only dissenting voice. The meeting was held in a very special hall; namely, the gymnasium at Scarborough Senior High School, which was full of people of one voice. It was a historic occasion to see that community with the strength of numbers and a singleness of purpose. Those people wanted that crown reserve for public purposes maintained for public purposes consistent with the wisdom of the people who made those decisions that Hon Ken Travers -

Hon Ken Travers: They paid for it with their own money.

The PRESIDENT: Order! Hon Ken Travers is preventing Hon Ed Dermer from concluding his comments.

Hon E.R.J. DERMER: The crown reserve was supported by that hall full of people, and the survey to which Hon Graham Giffard referred showed 93 per cent support. I tabled a petition recently signed by more than 500 people urging this house to back the disallowance motion moved by Hon Graham Giffard. An earlier petition was signed by more than 2 000 people.

That land is a crown reserve for public purpose. On any logical assessment, that means that crown reserve is the strength the people in that community have. They understand that. The survey had a clear result with 93 per cent of those surveyed supporting the retention of that area for public purposes. The hall was full, with at least 200 to 300 people. The only person with a different view was the member for Innaloo. All those people supported the retention of that crown reserve for public ownership. Two petitions have been presented, with 500-odd names in one instance and more than 2 000 in the other.

The people in that area understand the reality. They are very wise. They have fought tenaciously. As they have been lied to, deceived and disappointed, their response has not been anxiety, as Hon Mark Nevill deceptively implies, but has been the opposite of anxiety. The reaction of that community to its repeated mistreatment by this Government is not anxiety, but tenacity. That tenacity will continue. They understand what is good for them. They have demonstrated to us in every way they possibly can - by filling school halls on a Sunday, repeated petitions and sensible surveys - that they understand that that crown reserve is their instrument to achieve a decent outcome for their community. Hon Mark Nevill, in his Orwellian fashion, can say what he likes, but the people understand. We have done our very best to cause this Chamber to understand, and shortly the votes will be cast.

HON PETER FOSS (East Metropolitan - Attorney General) [2.21 am]: The first point I should make is that a matter not dealt with by this Chamber that should have been dealt with is the role of this House in metropolitan region scheme amendments. I am firmly of the view that we should look at that matter. It is wrong for us to try to do planning in this Chamber. We disallow little things like by-laws not on the basis of their content, but on whether they are made inappropriately. The role of this Chamber should be to check the process. Allegations have been made about the process; and it would be fair to disallow a metropolitan region scheme amendment if the process had not been followed properly. I have urged Ministers for Planning to ask this House to look at the process and to come up with the sorts of rules of self-conduct that the Joint Standing Committee on Delegated Legislation has. Therefore, my first point is that this is not the way in which planning should take place. The debate that has taken place in this Chamber tonight is probably the best example I can come across of why we should not enter into those matters in this place.

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The second reason is to some extent found in Hon Ed Dermer's speech; namely, the idea that we deal with planning matters by using muscle and our capacity to disallow. Again, I do not think that is the way to do planning. We either have the planning right or we have it wrong. It is not a matter of some sort of power play in here. It is a matter of whether it is right or wrong. It is not a matter of whether we have the capacity to use muscle. Planning very much should be that way. Planning is one of the hardest things to do. I do not envy the planners, because in many cases we will not be able to get unanimity; and certainly we will not be able to get unanimity if we are to get a real plan. Often the role of a planner is to have some vision -

Hon Ken Travers: As with the Stephenson plan.

Hon PETER FOSS: I agree. Often when a plan is presented, it is not welcomed by the people, and it is only with the passage of time that the people see the wisdom of the plan. I am not saying we have all these things with this particular amendment. I am trying to say that I do not believe this process is a good one, and I urge this Chamber at some stage to set up a select committee or ask the Delegated Legislation Committee to sit down and work out an appropriate process. I happen to think that the process in this place tonight is a very negative process for proper planning. These debates get worse as they get more political. That is not the way to carry out long-term planning in this State. Having said that, that is not the basis upon which we have proceeded, and unless we start very early in the new Parliament, it will not be the way upon which we proceed. I will try to avoid the political areas of this matter as much as I can and stick with the planning matters I have in my brief. However, I must first make that protest.

Two amendments were referred to in the debate. Hon Helen Hodgson dealt principally with the other amendment that deals with the Reid Highway primary regional road reservation. The southern portion of Big Carine Swamp and fringing native vegetation, which is a System 6 area and draft Perth Bushplan site, is proposed to be transferred from the primary regional roads reservation to the parks and recreation reserve in the MRS. The area to be removed from that parks and recreation reservation included in the primary regional roads reservation is required so that drainage basins can be constructed. The retention basins require land outside the current reservation as they will take water from not only the Reid Highway extension but also the local surrounding residential area. It was a requirement on the City of Stirling that drainage from local streets be collected in the proposed drainage retention basins. Retention basins will filter water run-off with the aim of improving the quality of water entering Big Carine Swamp - draft Bushplan site No 203 - and are to be designed for a one in 10-year, three-day storm event, which is consistent with Department of Environmental Protection policy.

The Environmental Protection Authority has advised that it is generally satisfied with the environmental management plan Main Roads WA prepared for this proposal. The environmental management plan contains detailed strategies and procedures for the protection of conservation areas and remnant vegetation and for dieback, fire, weeds and rehabilitation. The EPA has also advised that a positive aspect of the proposal is that drainage from the surrounding residential area, which currently empties straight into the wetland, will be deviated into the proposed basin. Main Roads WA is currently measuring the quality of water directly entering Big Carine Swamp to assist in monitoring the success of the system. The drainage retention basins are to be landscaped and it is anticipated that this may attract bird life to the area, as has occurred with the retention basins constructed near the intersection of Roe Highway and Welshpool Road. The environmental management plan developed by Main Roads WA and accepted by the EPA, combined with the positive effects of the proposed drainage retention basins, is anticipated to provide an increased level of protection maintenance for Big Carine Swamp.

The Western Australian Planning Commission on 27 July 2000 received from Main Roads WA an application for approval to commence development to construct the portion of the Reid Highway extension between Mitchell Freeway and Marmion Avenue. The majority of the proposed works are located in the existing primary regional roads reservation, which has been reserved since 1963, and Hon Ken Travers has congratulated Professor Stephenson for that. The proposed drainage swales are an acceptable use of the land that is reserved in the MRS for parks and recreation. The Planning Commission approved the application on 22 August 2000 subject to four conditions. Main Roads WA has recently commenced construction of the proposed extension to Reid Highway.

The Minister for Transport has been asked a number of questions in Parliament regarding the WAPC's development approval, including the requirement for Main Roads to prepare and implement an environmental management plan, which is the first condition. Even if the amendment is allowed, the WAPC's development approval still remains valid.

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Most of the time this evening has been spent on the Scarborough Senior High School matter. I will not deal with all the objections, because they have been more than adequately dealt with by other speakers tonight. I wish to go over the Government's response to those objections. As part of the reorganisation of the high school system in the metropolitan region, the Minister for Education announced the closure of Scarborough Senior High School from the end of the 1999 school year. The school site is surplus to the requirements of the Education Department and the buildings were demolished in January 2000. The Education Department advised in its submission that it did not consider that a private school could be accommodated on the site due to the poor condition of the buildings and the extensive building work that would be required.

The City of Stirling has advised that it considered that the community would be better served by new recreation facilities than by upgrading the gymnasium and pool. The Minister for Education has advised that a grant of \$2.2m will be made to the City of Stirling to build new recreational facilities.

A range of existing areas of public open space are within walking distance from the school site - that is, within 400 metres or a five-minute walk - providing for passive and/or active recreation. These recreation areas include Deanmore Duke Reserve and Millington Reserve. In addition, Kevan Langdon Reserve to the north-west of the school site and Lake Gwelup Reserve to the north-east are both reserved as parks and recreation in the metropolitan region scheme and provide for both passive and active recreation.

The school site does not contain remnant native vegetation, does not serve any regional recreational function and is not considered to be of environmental significance at the regional level, and as such a regional parks and recreation reservation in the MRS would not be appropriate. The Education Department has offered a minimum of 30 per cent public open space to be provided at the school site.

The percentage and location of local public open space will be considered at the local town planning scheme amendment and subdivision application stages in the planning process. The subdivision design can take into consideration important viewpoints, and lot and road design can be planned appropriately. The omnibus amendment was advertised for the statutory three-month period. The Western Australian Planning Commission recommended on 8 February 2000 that the school site be zoned to urban in the MRS. The MRS urban zone permits a range of zones and/or reservations to be considered at the local level. Members should keep that in mind. That is the point that I think was made by Hon Mark Nevill.

The City of Stirling has initiated amendment No 373 to its district planning scheme No 2. Amendment No 373 proposes to rezone the site which comprises reserve 25656, high school; reserve 25608, footway; reserve 25657, primary school; and reserve 44418, the education resource centre on the corner of Newborough Street, Wilding Street, Jackson Avenue and Grand Promenade, Karrinyup. This will rezone the area from MRS reserve, high school, and public use reserve, primary school, to low density residential R25, public open space and local authority and public use reserve, primary school. Amendment No 373 has been forwarded to the Western Australian Planning Commission for its consideration for consent to advertise. It is being held in abeyance pending the outcome of this MRS amendment. Amendment No 373 to the City of Stirling's district planning scheme will require further public consultation and will enable local issues to be considered through the local amendment process. That is another point that was made by Hon Mark Nevill.

As a result of the submissions on this amendment and Perth's draft Bushplan, it was identified that lot 690 Errina Road, Alexander Heights - the Alexander Heights high school site - contains remnant vegetation considered to be of regional significance. As such, the land should not be rezoned to urban as proposed in the amendment, and the future use of the land should be further investigated. Proposal 1 was therefore deleted from the amendment.

I will pick up the point made by Hon Mark Nevill that has come out clearly in this debate; that is, Hon Mark Nevill said that it was open to the Labor Party to make its own undertakings regarding this land. Hon Ken Travers' answer to that was that the Labor Party intended to consult the people, and then it would give them what they wanted, and not what we decide now. Shortly after that, it was interesting to hear Hon Ed Dermer say that 93 per cent of the people who were surveyed said they wanted the whole site saved. On the one side, Hon Ed Dermer told us that the Opposition has consulted people and that the numbers are in and are clear: The people want the whole lot reserved; on the other side, Hon Ken Travers told us that the Opposition is not satisfied at this stage that it has consulted people enough, and he was being very careful not to say what the Labor Party will conserve. Consistently in the lead-up to this election, the Labor Party is criticising the Government and saying that it would do better, but at the same time it is always very careful not to commit itself to anything. The Labor Party has been very much a policy-free zone on most of these matters. It has been just as equivocal on matters such as workplace -

Hon E.R.J. Dermer: If you were game enough to call the election, we would give you the policy.

Hon PETER FOSS: Right.

Hon Graham Giffard; Hon Norm Kelly; Hon Giz Watson; Hon Mark Nevill; Hon Helen Hodgson; Hon Ken Travers; Hon Ed Dermer; Hon Peter Foss; President

Hon Kim Chance: We have more policy in the public domain than you have, my friend.

Hon PETER FOSS: We have a lot of policy in the public domain because we have been governing for eight years.

Hon Kim Chance: You still haven't got a policy.

Hon PETER FOSS: Our view on issues such as workplace agreements is quite clear. I would love to know the Opposition's view on workplace agreements.

Hon Ken Travers: Read our policy!

Hon PETER FOSS: Oh, yes. We have heard the Leader of the Opposition in this place telling us what is the Opposition's policy. At the end of that, we were not a great deal wiser. We have heard today Hon Ken Travers and Hon Ed Dermer tell us exactly what the situation is in Scarborough, and we now know, one, that the Opposition has consulted and knows exactly how much people want; and, two, that it does not know but that it will consult later on. Then they will make up their minds exactly what it is they want done.

Hon Kim Chance: You have misrepresented what Hon Ed Dermer said.

Hon PETER FOSS: I heard it 10 times. Interestingly, despite constant references to the suggestion that the Minister for Education is a liar - which is most unparliamentary - at least we can understand what the minister is saying when he says he will provide a minimum of 30 per cent open space. He has also revealed the amount that will be given to the City of Stirling to help it build recreational facilities. All we have heard from members of the Opposition today is what I would call equivocation. How many times did Hon Mark Nevill, by way of very parliamentary interjection, invite Hon Ken Travers to give an undertaking about the amount the Labor Party would reserve? Hon Ken Travers refused consistently to reveal any amount because he said the Labor Party had not carried out the necessary consultation. Unfortunately, the member was undermined by his colleague who read out figures showing the contrary situation.

Hon Ken Travers: I said we would save 100 per cent if the community wanted that.

Hon PETER FOSS: I heard that.

Hon Mark Nevill: They want lower taxes, too.

Hon PETER FOSS: Yes. I will pick up that very good point. Once again, Hon Mark Nevill has highlighted a fundamental issue relating to the question of the proper use of government property. Government property is not free. When talking about Bushplan, Hon Giz Watson said that reserving Homeswest land would not require any expenditure; we could simply reserve it and that would not cost anything. I do not know why the member thinks government land is not worth anything. We have spent huge amounts acquiring land, particularly for Homeswest. Even if it has not been acquired - that is, if it has always been crown land - it is a valuable asset that cannot be simply handed over or not utilised. The reason that this Parliament adopted the capital charge - not that I am necessarily pleased with the way it operates, but the concept is correct - is that we cannot leave assets lying around. The Government has been trying to give incentives to departments to use assets on behalf of the people of Western Australia.

Hon Ken Travers: You are going to force schools to sell ovals.

Hon Kim Chance: We are now getting the Education policy.

The PRESIDENT: Order! Members should calm down.

Hon PETER FOSS: Land can be used for many purposes. It is not a good idea to leave it unused. All departments try to use their assets. However, a Government cannot force the taxpayers to pay more taxes when it has assets that it is not using. That use does not have to be economic; it can be an educational or an environmental use. It does not matter as long as it is being used and that use is supported by the Government. It is irresponsible to leave such assets unused. Governments cannot simply keep increasing taxes. That imposes a burden on taxpayers.

Hon Mark Nevill pointed out that the Education Department is keen to see the matter resolved. If that were not the case, we would probably have Hon Ljiljanna Ravlich asking what the Government is doing about that.

Hon E.R.J. Dermer: It is no closer to completion.

The PRESIDENT: Order! Hon Ed Dermer should stop interjecting.

Hon PETER FOSS: I have sat here quietly during the hours of speeches so far. Hon Ljiljanna Ravlich would ask why we were not making use of these government assets. The reality of the matter is that it is appropriate for

Hon Graham Giffard; Hon Norm Kelly; Hon Giz Watson; Hon Mark Nevill; Hon Helen Hodgson; Hon Ken Travers; Hon Ed Dermer; Hon Peter Foss; President

the Education Department, having made the decision that the school is surplus to its requirements, to make the move to do something with that property.

Hon E.R.J. Dermer interjected.

The PRESIDENT: I will warn Hon Ed Dermer once more, and if he does not stop interjecting, I will see that he leaves the Chamber.

Hon E.R.J. Dermer: That is understood, Mr President.

The PRESIDENT: Good.

Hon PETER FOSS: That is another realistic point that must be taken into account. I am not surprised that, under those circumstances, Hon Ken Travers is so equivocal - as opposed to Hon Ed Dermer - about what a Labor Government would be prepared to do. It is very true of Hon Mark Nevill to say that the Labor Party has an opportunity. Instead of misusing planning provisions, members opposite should put them aside. It is a misuse of planning to consider those provisions to be some sort of bargaining tool. The zoning has been done and nothing stops them giving undertakings about what they will do in government. In fact, it takes it out of the area where I do not think it should be, as it is a matter of planning, and puts it in the area of what members opposite are prepared to do with that land as a Government. If it is rezoned, it does not stop members making that sort of undertaking, if they are so confident they will get into government.

I have mentioned a number of reasons for members to support the metropolitan region scheme. Primarily, it is not a function of this House to plan, and the debate tonight has not been a plan; secondly, the process is correct; and, thirdly, what the Government is doing here is also correct; I refer to after the zoning has gone through. I ask members to support the metropolitan region scheme and to oppose this disallowance motion.

HON G.T. GIFFARD (South Metropolitan) [2.42 am]: I will briefly raise three points. First, I recall from the comments of Hon Mark Nevill that he insisted in some way on a commitment from the Government to 30 per cent retention of the public land. Nothing I heard from the Attorney General -

Hon Peter Foss: I did. Did you not hear what I read out?

The PRESIDENT: Order! I do not want members to interject.

Hon G.T. GIFFARD: I heard what the Attorney General read out; that is, that the minister has offered 30 per cent. Given Hon Colin Barnett's performance thus far in this process by promising the swimming pool and then reneging on it, the Attorney General's saying that the minister has offered 30 per cent is not in any sense a guarantee to the community that it will get 30 per cent. I take little comfort from that clearly deliberate choice of words. I point out to Hon Mark Nevill that the expression that was used in relation to the Government's view on 30 per cent falls far short of a commitment. I caution Hon Mark Nevill in that regard: If it is a precondition for his support to vote against this motion, he should reflect very seriously on that aspect.

Secondly, the Attorney General made the point in his opening comments that it should not be a function of this House to plan. There is a process, and it is appropriate that that process be followed. That is a key point we made repeatedly in this debate, and the Attorney General objects to that.

The process was a sham from the very beginning. It was a sham in excess of a year before it started. We are not trying to change planning. We say this consultation process was not a consultation process. The Government did not do it properly. It should take it back and do it again properly. It should genuinely find out what the community thinks because what the Government did was a charade. The Australian Labor Party's position, and its first precondition for its support for the process, is that a proper interactive consultation process must take place.

Finally, the letter to which I referred earlier, written by Hon Mark Nevill to Hon Graham Kierath on 12 January 2000, said that the open space action group put a compelling argument to him on this issue. It was a compelling argument on 12 January 2000; it remains to this day a compelling argument. That is why I ask Hon Mark Nevill to think seriously about supporting this disallowance motion because that would be fair and just.

Question put and a division taken with the following result -

Extract from *Hansard*
[COUNCIL - Thursday, 23 November 2000]
p3705d-3726a

Hon Graham Giffard; Hon Norm Kelly; Hon Giz Watson; Hon Mark Nevill; Hon Helen Hodgson; Hon Ken Travers; Hon Ed Dermer; Hon Peter Foss; President

Ayes (12)

Hon Kim Chance	Hon G.T. Giffard	Hon Ljiljanna Ravlich	Hon Ken Travers
Hon J.A. Cowdell	Hon Helen Hodgson	Hon J.A. Scott	Hon Giz Watson
Hon Cheryl Davenport	Hon Norm Kelly	Hon Christine Sharp	Hon E.R.J. Dermer (<i>Teller</i>)

Noes (13)

Hon M.J. Criddle	Hon Peter Foss	Hon Mark Nevill	Hon Muriel Patterson (<i>Teller</i>)
Hon Dexter Davies	Hon Ray Halligan	Hon M.D. Nixon	
Hon B.K. Donaldson	Hon Barry House	Hon W.N. Stretch	
Hon Max Evans	Hon N.F. Moore	Hon Derrick Tomlinson	

Pairs

Hon N.D. Griffiths	Hon Murray Montgomery
Hon Tom Helm	Hon B.M. Scott
Hon Bob Thomas	Hon Greg Smith
Hon Tom Stephens	Hon Simon O'Brien

Question thus negatived.