

PLANNING AND DEVELOPMENT AMENDMENT BILL 2022

All Stages — Standing Orders Suspension — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.16 pm]: I move —

That so much of the standing orders be suspended as is necessary to enable the Planning and Development Amendment Bill 2022 to proceed through all remaining stages without delay between the stages.

This motion seeks to enable the Planning and Development Amendment Bill 2022 to proceed through all remaining stages in this place today. Essentially, the bill seeks a temporary extension to one of the key initiatives of the Planning and Development Bill 2020. It reflects that the economic shocks of COVID-19 remain with us and continue to bring different challenges. It is the responsibility of good government to respond to those challenges in these times. Economic activity within the state has, as many members would be aware, been very strong, in particular with a very heated construction market. That level of activity, together with the limited movement of people around the world, has created strains on labour supply in the current construction market. We have also seen supply chain shocks create significant lags in the delivery of products for construction activity and significant cost escalations in building materials, which has resulted in the deferral of a number of projects. We also have an increased level of demand for new housing stock that cannot be fulfilled by the usual house-and-land packages. Mixed-use multi-unit developments will be integral to increasing housing supply and housing diversity to ensure that we have enough homes to house our community. It is these more complex projects that will be facilitated by this pathway. As I stated at the commencement, a temporary extension is being sought through the swift passage of this bill through the house.

I am sure all of us agree that we do not want to stall our economic recovery. We want to make sure that we continue to have a robust pipeline of work and construction into the future. In supporting this bill, we will also continue to create certainty for investors and landowners. We cannot have existing approvals lapse.

I am sure that members opposite may protest against the urgency of this bill, but can I assure all members that it is important to temporarily extend some key initiatives through the Planning and Development Act. That is what this bill will do, and I would seek the support of all members to ensure that the Minister for Planning can introduce the bill and we can have a second reading debate, consideration in detail and the third reading so that the bill can pass all stages and be then sent to the other place for its consideration. It is important; there are time issues associated with the passage of this bill and that is why it has been declared urgent.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [12.20 pm]: I am fascinated to hear the words of the Leader of the House about how this bill is somehow urgent and the contradiction in his own statements in his justification. I will have a chance to go through that in further detail in my contribution to the second reading of the bill. I see some experienced heads on the other side of the house. I cannot comprehend that any of the more experienced members in this house would have accepted a previous Liberal government behaving in this way in Parliament. In fact, I can see some faces on the other side that would have been on the hustings, screaming from the rooftops about a lack of due and fair process, and a lack of consultation with affected parties for this proposed legislation, telling us this is a completely improper process. Why? It is because it is a shameful, cynical process by this minister who sits there and ridicules us and laughs whenever we challenge her on these matters. It is a cynical process to ram this through this Parliament. Why? It is because the government can and because it has the numbers. The government does not care. All members are responsible for this. They are all members of caucus of this Labor government. They are all the people: the members for Nedlands and Churchlands and others. They are all members of this government and they are jamming this —

Several members interjected.

Dr D.J. HONEY: Acting Speaker.

The ACTING SPEAKER (Mr D.A.E. Scaife): Leader of the Liberal Party.

Dr D.J. HONEY: Thank you very much, Acting Speaker. Every member of the Labor Party in this house is responsible for jamming this through this Parliament in this unacceptable way. Imagine this: yesterday, we were given a briefing on a bill that did not even have a name, yet we were supposed to be briefed on it. The Western Australian Local Government Association, one of the key stakeholders in planning matters, found out that this bill was being progressed through a press release. The minister did not even have the decency to call WALGA. I am sure the minister's friends in the development industry who are such enthusiastic sponsors of the Labor Party were told about this. I am sure they patted the minister on the back and said, "Yes, minister; you go ahead and do this and jam it through without any consultation, without any decent proper notice to the opposition at all; jam it through and yippee, happy times. Guess what? We'll keep rolling up to those fundraising functions that you're putting on and will sponsor again and again." They are pretty happy with this I am sure. But I can tell members that there

Mr David Templeman; Dr David Honey; Mr Bill Johnston; Acting Speaker; Ms Rita Saffioti; Mr Peter Rundle;
Deputy Speaker; Ms Libby Mettam

are hundreds and hundreds of thousands—in fact, millions—of Western Australians who are deeply concerned about this.

Several members interjected.

The ACTING SPEAKER: Members!

Mr M.J. Folkard interjected.

The ACTING SPEAKER: Member for Burns Beach!

Dr D.J. HONEY: Absolutely, member. Because no-one thinks what you are doing —

Several members interjected.

The ACTING SPEAKER: Members!

Mr S.A. Millman interjected.

The ACTING SPEAKER: Member for Mount Lawley! You have had your fun. The Leader of the Liberal Party has the call.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, that was not an invitation for further interjections.

Dr D.J. HONEY: Thank you very much. I am sure the government's developer mates, as I said, who loyally turn up to all the Labor Party's fundraising functions, are thrilled about this matter.

I travel extensively. I was out at Maylands the other day talking to —

Several members interjected.

The ACTING SPEAKER: Members!

Dr D.J. HONEY: I was out at Maylands the other day talking to a group of residents who were concerned about another decision about roads and the direction of traffic, and in conversation with those people in that electorate, I found that they are concerned about a heavy-handed planning approach by the government. That was a matter that they raised with me.

Ms L.L. Baker interjected.

The ACTING SPEAKER: Member for Maylands!

Dr D.J. HONEY: What is the member for Maylands' concern?

Ms L.L. Baker: That is misleading.

Dr D.J. HONEY: How?

Ms L.L. Baker: It is because they are not concerned about heavy-handed approaches in planning. We have offered, and the minister very kindly has put money on the table, to help the community plan how the future of the town centre of Maylands might evolve.

Dr D.J. HONEY: They are concerned about that.

Several members interjected.

The ACTING SPEAKER: Members!

Dr D.J. HONEY: I appreciate the point that the member is making. The point that people were making about planning was raised with me in conversation whilst I was there. They raised it unsolicited whilst I was there.

Ms R. Saffioti: Who?

The ACTING SPEAKER: Minister for Planning!

Dr D.J. HONEY: I think we have an owl in the house!

In any case, people across Western Australia are concerned about the minister's planning processes or, can I say, the complete sidelining of local governments in important planning decisions in their areas. In some cases, it is a malicious approach by this minister in some sort of class warfare punishment of electorates that are not controlled by Labor. That is the reality of it, but what do we see in relation to this suspension?

Several members interjected.

The ACTING SPEAKER: Leader of the Liberal Party, can I just pause you for a second there and just for members' benefit? You might notice that Hansard are still not with us in the chamber, members. They have a job to do. I know that this is all very entertaining for members of the government, but it is very difficult for those Hansard workers

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to do their job properly if we are going to carry on like this. You have got question time in an hour and a half, and that will be your opportunity then to carry on like this. I would like to hear the Leader of the Liberal Party in silence.

Dr D.J. HONEY: Thank you for your support, Acting Speaker. What is critically important in the suspension motion that we are debating right now is: What is the urgency? Why could the opposition not be given proper notice of this matter and be properly consulted? Why could we not even be given the title of the bill? During the height of the COVID crisis, when indeed there were critical matters, as I said yesterday in debate on a number of occasions, we supported the government when it had urgent matters and there was a genuine crisis facing the state of Western Australia. We said, “Fair enough; the government needs to get on with the job. Yes, we want to know what’s going on; we won’t stand in your way. We’ll support every time limit that you put on debate in this chamber. We’ll get all legislation through—every bill through as agreed with the Leader of the House.” We did that on every single occasion, because we knew that was a genuine crisis. This is no crisis. The justification for this bill is a conflation. It is utterly untrue to say that there is any need to pass this bill and that it will have any material impact on the economic development in the state of Western Australia—none whatsoever. I will go through some of that in the debate.

We have a ludicrous situation in WA at the moment. The building and construction market is so white-hot that in a briefing the Urban Development Institute of Australia gave us it said that 30 per cent of all apartment projects are on hold because they simply cannot obtain a builder—30 per cent! To imagine in any universe that somehow or other bypassing communities and councils for further approvals is going to have any material impact on the economy in the foreseeable future is utter nonsense.

There is no justification for doing this. I know that the Minister for Planning is the darling of some parts of the development industry and that they are fine sponsors of the Labor Party financially because of that, but that is no justification for continuing these, as described, extraordinary measures that had to be taken at the start of the COVID-19 pandemic because the government was concerned that there was a potential portending economic calamity coming because of the impact of COVID-19. We are two years into the pandemic now and that has not happened; in fact, it is quite the opposite. Thanks to the outstanding management of the federal government in Australia there are more Australians in work now than before the pandemic struck. Unemployment is lower in every part of Australia than before the pandemic struck and, in fact, economic activity is higher in every part of Australia than before the pandemic struck, and that is no more so than in Western Australia. In Western Australia, we have had excellent economic outcomes, which is quite the opposite, 180 degrees opposite, to those fears.

I do not say that the government’s fears at the start of the pandemic were unfounded. We shared those concerns. No-one knew what was going to happen during the pandemic. No-one knew what was going to happen and how it was going to affect business. But it has gone 180 degrees in the opposite direction two years later. We know that the construction market cannot cope. We know, for example, that this government last year fell short by \$1.5 billion on its own capital program. It promised \$8 billion and was \$1.5 billion shy in completing those projects. We know that all the minister’s own transport projects are over schedule by considerable periods—by one to two years, even more. The government just announced a \$2 billion project on the Armadale rail line on top of all the other construction it has and we know that in the tradition of its previous budgets there is a massive likelihood that the government will come forward with another massive spend of money on construction projects. To imagine in any fanciful world that the passage of this bill will have any material impact on the economic wellbeing of the people in Western Australia is an utter nonsense.

There is no urgency to this bill. This bill does not need to be considered now. There is no crisis. No economic imperative is driving this. The only imperative that is driving the ramming through of this legislation in the Parliament through all stages now is a minister who wants to please some developers and make sure that those developers continue to support the Labor Party. It is an absolute disgrace, members. I know that many of you will be ashamed of your party doing it this way. This could have been done in a proper way. There could have been proper consultation. The government could have had the decency to give us a title to a bill—a bill we still have not seen. It is completely improper. Are you standing, member?

Point of Order

Mr W.J. JOHNSTON: Yes. I have two points. The first is whether the matter that the member is raising is relevant to the question of the suspension of standing orders as opposed to the bill itself. I know the member will have an hour to make clear his position on the bill. The second issue is about repetition, because the member has canvassed the same issue on a number of occasions.

The ACTING SPEAKER (Mr D.A.E. Scaife): I will take the two points of order. On the first point, there is no point of order, but there is some substance to what the Minister for Mines and Petroleum has to say, so I counsel the Leader of the Liberal Party to bring his comments back to the subject matter of the motion itself.

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On the second point, I am going to rule again that there is no point of order, but, again, there is some substance to what the Minister for Mines and Petroleum has to say. Some of the material that the Leader of the Liberal Party has been speaking to has been a little bit canvassing the same issue over and over again. I think the point has been well made and received by the chamber, but it does not necessarily need to be repeated further. I will leave it to the Leader of the Liberal Party to bring his comments to the next phase and to a close eventually.

Debate Resumed

Dr D.J. HONEY: Thank you, Acting Speaker, and genuinely, as always, I am always grateful for the advice that you provide.

There is no justification whatsoever for this bill to be dealt with in this way. There could have been proper consultation with affected stakeholders outside a handful of developers who are supporters of the Labor Party. There could have been broader consultation with the Western Australian Local Government Association, the group that is most affected by these laws in terms of it being bypassed to make decisions that are taken out of its hands by the government.

Mr W.J. Johnston interjected.

The ACTING SPEAKER: Minister for Mines and Petroleum!

Dr D.J. HONEY: I will continue. There are other ways the minister could do this. In fact, the minister has extraordinary powers to deal with matters if she chooses by calling matters in. The minister has done that in the past, including for a development in South Perth. The minister has extraordinary powers already and the existing legislation guarantees a vibrant construction industry in the state of Western Australia.

This is not an urgent matter and we should not be considering it in this way. I should not be compelled to have to debate this matter with such short notice. It is improper that the Labor Party and the minister should introduce a bill into the house in this way.

MS R. SAFFIOTI (West Swan — Minister for Planning) [12.36 pm]: As is the norm in these situations, the Leader of the Liberal Party stood up and just made accusations. We are subjected to this constantly, particularly me. He never has any evidence but just constantly makes allegation after allegation. He wants to talk about the running of this house. I sat on the other side when the previous government used to guillotine legislation again and again and again.

Mr W.J. Johnston: He thinks he's not being allowed to speak.

Ms R. SAFFIOTI: Firstly, I remember being on that side and not being able to speak. Secondly, if the member wants to talk about the running of the house, yesterday we lent the opposition two members to vote on a matter of public interest that condemned us. Talk about fair! That is crazy fair. I do not know what the Leader of the House was thinking. We lent two members to help the opposition condemn us in an MPI. I know that that would never have happened under the previous Liberal–National government. Do members think Colin Barnett would have done that?

Several members interjected.

Ms R. SAFFIOTI: I do not know what the member even said. All I know is that when I sat on the other side of the house, Colin Barnett yelled at me when I was seven months pregnant for bringing a bottle of water into this place. I was drinking bottled water because I was pregnant and Colin Barnett yelled at me and called a point of order. Do not talk to me about conduct in this place, please. Please do not talk to me about that. I remember what former Treasurer Troy Buswell used to say about members on our side constantly—personal attack after personal attack.

Point of Order

Mr P.J. RUNDLE: There was a point of order earlier about relevance to the suspension of standing orders motion. I would like to bring a point of order about relevance now.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order, but I do counsel the Minister for Planning, like I did the Leader of the Liberal Party, to make sure that we are firmly on the topic of the motion, which is bringing on the bill for debate on an expedited basis.

Debate Resumed

Ms R. SAFFIOTI: I will finish on the context of the house. As I said, do not lecture us about conduct when we sat there for eight years and when I was yelled by the then Premier at, when I was pregnant, about bringing a bottle of water into this place. Yesterday, we lent two members to help the opposition bring on an MPI. Like I said, that is crazy fair, Leader of the House. Do not come in here and lecture us.

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The opposition received a copy of this bill yesterday morning. I personally rang the opposition spokesperson on planning on Monday to talk about this bill. The process will be gone through in this chamber and the other chamber. We do not expect this bill to go through both houses until the end of June. That is seven weeks for a parliamentary process.

The other point is that the Leader of the Liberal Party said that there is no crisis. He came into this place a few weeks ago and said that there was a housing crisis. He has said it again and again—there is a housing crisis. He has said it. The member has run motions in this place saying that there is a housing crisis and now he says that there is no crisis. He has to have it one way: is there a housing crisis or not? I remember the matter of public interest he ran in April saying that there was a housing crisis in Western Australia. Now he is saying that there is no crisis. What is the issue?

There is a process. There was always going to be a pathway for significant developments. The state development assessment unit was going to be a special matters development assessment panel. We consulted on the special matters DAP, and I think the Liberal Party criticised it and said that that proposal was not good enough. That was fair enough, so we said that we would do some more work on it. We took that feedback and, in the meantime, this process has got up.

The Leader of the Liberal Party can run all the allegations that he wants. Someone who used to work for the resources sector wanted to sterilise thousands of hectares of land for the benefit of his own company. This person constantly influenced Liberal Party policy through his own company. He can do whatever he likes. He can now pretend to care about the environment, because for many years he made a lot of money by not caring about the environment. The hypocrisy is beyond description. The member stands up and makes allegation after allegation because that is what he does. He will get his office to do some memes and then he will be shocked when people tell him that they were quite personal and sexist, as though he does not know what is going on. We know that he operates in the Dark Ages. His alternative of re-establishing a process with an independent decision-maker involves me calling in every decision. He wants me to call in all the decisions. This is an independent process whereby the decisions are made by the Western Australian Planning Commission, but the member's alternative is not to have an independent process but for me to use my call-in power. I like the independent decision-maker through the WAPC. That is a process that we want to continue for another 18 months as we work through the economic shocks of COVID-19.

I think we all understand that there have been economic shocks, which I will go through in my second reading speech, including delays, escalation, labour shortages and critical shortages in the supply chain. I have been dealing with it all. We know that they are there. Yes, the economic consequences of COVID-19 have lasted longer than we anticipated. I think we all understand that. I think we all understand that the health impacts of COVID-19 have lasted a lot longer than we thought they would going into March or May 2020.

The member's alternative is that the minister should use their power to call in decisions—to sit there and make all these decisions with a call-in power. I prefer the independent role of the WAPC and a properly established process that has led not to a free-for-all, but to a very systematic process with proper analysis, proper effort on design review and proper consultation.

I ask this house to support the urgency of this bill. This is a matter that we need to deal with as a consequence of COVID. Current approvals are going to lapse, with the first one potentially lapsing in September, if we do not proceed with this bill.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the ayes, with the following result —

Ayes (34)

Mr G. Baker	Ms J.L. Hanns	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms L.L. Baker	Mr M. Hughes	Mr S.J. Price	Mr D.A. Templeman
Ms H.M. Beazley	Mr W.J. Johnston	Mr J.R. Quigley	Mr P.C. Tinley
Dr A.D. Buti	Mr P. Lilburne	Ms R. Saffioti	Ms C.M. Tonkin
Mrs R.M.J. Clarke	Ms S.F. McGurk	Ms A. Sanderson	Mr R.R. Whitby
Ms C.M. Collins	Mr K.J.J. Michel	Mr D.A.E. Scaife	Ms S.E. Winton
Ms D.G. D'Anna	Mr S.A. Millman	Ms J.J. Shaw	Ms E.L. Hamilton (<i>Teller</i>)
Mr M.J. Folkard	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski	
Ms M.J. Hammat	Ms L.A. Munday	Dr K. Stratton	

Extract from Hansard
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Mr David Templeman; Dr David Honey; Mr Bill Johnston; Acting Speaker; Ms Rita Saffioti; Mr Peter Rundle;
Deputy Speaker; Ms Libby Mettam

Noes (4)

Mr V.A. Catania

Dr D.J. Honey

Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Pairs

Mr R.H. Cook
Mr J.N. Carey

Ms M.J. Davies
Mr R.S. Love

Question thus passed.

Introduction and First Reading

Bill introduced, on motion by **Ms R. Saffioti (Minister for Planning)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS R. SAFFIOTI (West Swan — Minister for Planning) [12.49 pm]: I move —

That the bill be now read a second time.

Almost two years ago to the day, in May 2020, I introduced a bill that brought critical reforms to the Western Australian planning system at a time of great need. At the beginning of the COVID-19 pandemic, the Planning and Development Amendment Bill 2020 progressed important reforms that the McGowan government considered integral to underpin a broad package of economic responses and recovery measures. The first phase of reforms focused on cutting unnecessary red tape, supporting small businesses, improving community consultation and providing greater consistency across state and local governments. We also created a new process to support projects of state and regional significance. The fundamental aim of these reforms was to protect jobs and get people back to work through a more flexible, responsive and contemporary planning system. As I said at the time, the pandemic has created an economic shock that will be with us for a long time to come. Every jurisdiction in Australia is seeking to rebuild economic stability and create greater investor confidence. Although direct investment by government will play a key role in our economic recovery, we must do all we can to facilitate private sector investment in our economy. Planning reform is an enabler of better investment outcomes together with better community outcomes.

The bill we are considering today seeks a temporary extension to one of the key initiatives of the Planning and Development Amendment Act 2020. This will bring considerable economic and employment benefits to the state. It reflects that the economic shocks of COVID-19 are still with us and are bringing different challenges. Economic activity within the state has been very strong, in particular with a very heated construction market. This level of activity together with the limited movement of people around the world has created strains on our labour supply for the current construction market. Supply chain shocks have created significant lags in the delivery of products for construction activity and significant cost escalation of building materials has seen the deferral of many projects. We also have an increased level of demand for new housing stock that cannot just be fulfilled by the usual house and land packages. Mixed-use and multi-unit developments will be integral to increasing housing supply and diversity to ensure that we have enough homes to house our community. These more complex projects will be facilitated by this significant pathway. We do not want to stall in our economic recovery. We want to make sure that we have a pipeline of work in construction well into the future. We want certainty for investors and landowners. We cannot have existing approvals lapse. For example, in a January 2022 report titled *Delivering housing supply and affordability for Western Australians*, the Property Council of Australia noted that 35 per cent of the existing apartment development supply is currently on hold, with an additional \$2.2 billion in the pre-development stage also on hold. This means that approximately 10 000 apartments are impacted as a result of escalation of costs and labour and material shortages.

The purpose of the 2022 amendments is broadly threefold: to extend the time frame in which new development applications can be submitted within the part 17 state development assessment unit system to 5.00 pm on 29 December 2023, the last working day of the year; to enable the Western Australian Planning Commission to extend the time frame by which existing development approvals must be substantially commenced; and to clarify and tidy up existing ambiguities in part 17.

It is important to note that the significant development pathway received bipartisan support of the Parliament, and amendments were moved by opposition parties to reduce the threshold to ensure that more projects fell into that pathway. Despite some of the claims at the time, it is also important to note that the pathway has not been a free-for-all. It has been a measured and thorough process that has not delivered extreme outcomes.

To go into more detail, part 17 of the Planning and Development Act established an alternative assessment pathway for development applications, giving the WAPC the ability to determine major proposals of economic and social importance to the state. The pathway was designed to generate jobs and investment to bolster the state economy, and to encourage major development projects with an estimated value of \$20 million or more in the metropolitan

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Deputy Speaker; Ms Libby Mettam

region or \$5 million or more in regional areas. It has prioritised the importance of pre-lodgement discussions, design review and coordinated agency referrals and assessments. Each proposal is subject to consideration by the State Design Review Panel, public consultation, referral to regulatory agencies and local government, and a public meeting at which the application is determined. The WAPC was chosen to be the determining authority for significant developments because it is the pre-eminent decision-maker in the state's planning system. The new pathway has worked well, with proposals having proper and thorough consideration. The part 17 pathway enables the WAPC to consider broader economic and public benefits when it determines a development proposal, but it must still have regard to all submissions and advice received during consultation and give full consideration to the purpose and intent of the local planning scheme, ensuring orderly and proper planning and preservation of amenity of the locality, the need to facilitate development responding to economic effects of COVID-19, relevant state planning policies and any other relevant WAPC policies.

The WAPC is also bound by the provisions of the Environmental Protection Act 1986. The benefits of the pathway include a centralised coordination of the authorities applications are referred to, like the Environmental Protection Authority, to ensure referrals are responded to in the time frame allocated; a robust, rigorous process that provides for public participation both during the assessment and at the point of determination; greater flexibility, including the ability to consider strategic non-planning matters that are in the broader public interest; and greater certainty for proponents who obtain approval through the pathway, ensuring the approval will not be impacted by other approval regimes such as building permits and road access without special authorisation.

The part 17 pathway was available from July 2020 and closed in early January 2022. It attracted approximately 100 inquiries and a total of 50 formally submitted applications during that time. It should be noted that some proponents chose not to proceed with the part 17 pathway and chose instead to proceed down the existing development assessment panels process. This option will continue to be a choice available to proponents. Of these 50 proposals, the WAPC supported by the Department of Planning, Lands and Heritage has approved 17 significant developments. Six projects are currently complete or under construction, including the State Football Centre in Queens Park, a wharf extension at Henderson and an LNG plant in Mt Magnet. The 33 remaining applications submitted before the assessment pathway closed are undergoing assessment.

Another key part of this bill is to allow for the extension of the window in which construction can commence for projects that have already received approval under part 17. This extension is already available to projects that have been approved through other pathways such as DAPs and council approvals. As we have noted, many projects have been deferred due to the very heated construction market. This bill will allow proponents to seek one extension to the commencement date, similar to what has happened elsewhere.

As was outlined in the debate on the original bill in 2020, the part 17 process was to be replaced in time by the special matters development assessment panel. Earlier this year, the state government sought feedback from the community and key stakeholders on the special matters DAP. The mechanism proposed received a lot of feedback; given this, it will be the permanent pathway. I am determined to get this reform right. We will be undertaking further work in refinement to ensure that community and industry views are addressed. The special matters DAP was to become operational at the end of this year; this will now be deferred to ensure that the policy settings are appropriate and address community and stakeholder feedback.

The McGowan government's planning reform agenda has already brought significant improvements to Western Australia's planning system through considered legislative, regulatory and policy change. Although more will be done, we have made considerable steps forward in establishing a responsive, transparent and inclusive system, and now is not the time to take backward steps. Although prudent economic management has seen the state navigate the worst aspects of the pandemic over the past two years, ongoing uncertainties both domestically and internationally mean it is premature to say that the economic impacts of COVID-19 are over. Matters have arisen that were not foreseen in 2020 such as labour shortages, supply chain issues and cost escalations. Therefore, there is still a need to support and facilitate development and investment in response to the economic effects of the pandemic. The extension of the part 17 pathway is proposed to end on 29 December 2023, the last working day of the year.

I commend the bill to the house.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [12.58 pm]: It is interesting to listen to the minister's various statements and allegations. As I have said in this place on many, many occasions, I am a keen supporter of good development in this state. I am a keen supporter of developments in my own area. But what I do not believe is that communities should be sidelined and deliberately sidelined and that councils should be sidelined and deliberately sidelined in the way that the government goes about its business and in the way that planning decisions are made. We are told that the Planning and Development Amendment Bill 2022 is about making planning decisions within a proper, strategic planning framework, yet what I am seeing in my electorate and adjacent electorates is anything but that. I am seeing the most horrendous, offensive developments going ahead that are utterly destroying the amenity of those communities, nowhere more so than Nedlands, where the minister

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interceded to impose a structure plan on that community. That plan will see high-rise development up and down Stirling Highway. These are apparently transport-oriented developments that have nothing whatsoever to do with the reasonable —

Point of Order

Mr W.J. JOHNSTON: I am aware that this is a second reading debate and that the member can canvass issues of a general policy nature. However, he is canvassing matters not covered by the legislation at all, and I ask him to make his comments relevant to the legislation in front of us.

The DEPUTY SPEAKER: Thank you, member. I do not uphold that point of order. The member is, I am sure, just building the background to his contribution, so carry on, Leader of the Liberal Party.

Debate Resumed

Dr D.J. HONEY: Thank you very much, Deputy Speaker. Members opposite do not like this being discussed, because they do not like the fact that they have become the friends of the big end of town, ignoring local communities and ignoring local community input.

Ms R. Saffioti interjected.

The DEPUTY SPEAKER: Minister!

Dr D.J. HONEY: I am fascinated by the minister's attacks on Alcoa. I suggest she go and talk to Alcoa about that. She clearly has major problems. She has made allegations today about environmental vandalism by that company. I am sure Alcoa would be fascinated to hear the minister, as a senior minister of the state, making those allegations. It is fascinating, minister.

Ms R. Saffioti interjected.

The DEPUTY SPEAKER: Minister!

Dr D.J. HONEY: As the minister knows, Alcoa is a company I worked for and a company I was proud to work for. However, I am fascinated by the minister's ongoing attacks on it. I suggest that if the minister wishes to raise those matters, she should go and talk to Alcoa, because I no longer work for it. I am a member of Parliament, and I represent the people in my electorate who are being impacted by her appalling planning decisions.

Several members interjected.

The DEPUTY SPEAKER: Members! Minister, Leader of the Liberal Party, this is not the time for you two to be yelling at each other. If you want to make a contribution to the debate, please do. If you want to yell at each other, save it for later.

Dr D.J. HONEY: Thank you very much, Deputy Speaker. These are the most disgraceful, disgusting planning outcomes in the City of Nedlands, including decisions —

Ms R. Saffioti interjected.

Point of Order

Ms L. METTAM: We cannot hear the contribution of the Leader of the Liberal Party. I do not believe he is taking interjections.

The DEPUTY SPEAKER: Thank you, member. I do not uphold that point of order, either. The Leader of the Liberal Party is actually inviting interjections by directly engaging with the minister. If he chooses to do so, he will get the same outcome, but if he would like to change, please do. Carry on.

Debate Resumed

Dr D.J. HONEY: The most appalling outcomes, including decisions going before the state development assessment unit —

Ms R. Saffioti interjected.

The DEPUTY SPEAKER: Minister!

Dr D.J. HONEY: These are the most appalling decisions affecting that community; it is disgraceful. That will be the legacy of this minister. The legacy of this minister will be the destruction of what is currently a beautiful suburb. That is what she is doing.

Ms R. Saffioti interjected.

Point of Order

Mr David Templeman; Dr David Honey; Mr Bill Johnston; Acting Speaker; Ms Rita Saffioti; Mr Peter Rundle;
Deputy Speaker; Ms Libby Mettam

Ms L. METTAM: I do not believe the Leader of the Liberal Party is taking interjections.

The DEPUTY SPEAKER: I thank the member. I do not uphold that point of order. The Leader of the Liberal Party can inform me as such, if he wishes to, but he does seem to keep engaging with the minister, so that is going to continue. I encourage him to direct his contribution through the chair.

Debate Resumed

Dr D.J. HONEY: I am not particularly interested in the persistent interjections of the Minister for Planning, but can I say that bypassing communities will be the legacy of this Labor government.

I believe development is critically important. As the minister pointed out, I have said before in this place that I have serious concerns about the lack of suitable accommodation for people in the state of Western Australia. Of course, we know that these decisions under the SDAU will enrich some individuals enormously but they will do very little to deal with the persistent housing crisis we have in this state. I will have an opportunity to talk more fully later this afternoon about some of the things the government has not done in that regard. I might also say that I do not have a particular problem with the greater number of responsible developers, like Finbar Group and Paul Blackburne. These are really first-rate developers who make sure that they consult with their communities beyond any consultation they are required to carry out. They go in and do the right thing by their communities. My greater concern is that there are other developers that do not care. They go in and do developments, they do not care about what the local communities want, and they ride roughshod over them.

The minister makes much of the fact that there is support for this legislation amongst certain developers. The reality is that if we were to say to developers, “Do you want to have open slather to do whatever you want, wherever you want?”, I am certain that there would be overwhelming support for that proposition. They are putting an enormous amount of capital on the line and they are getting out there and making major investments of millions of dollars. Time is money every time a development approval is held up after tens of millions of dollars have been committed by developers, so they do not want any delays whatsoever. But, of course, the developer is only one part of the equation. The other important part—I would say, the most important part—is the community in which that development will take place. They should have a say. The government should only bypass the community in certain circumstances. I will go on to talk a little about the general issue of how approvals occur.

The fact is, there has always been a mechanism for the government to make sure that approvals occur in a timely manner, and that is through the lead agency framework. That exists, and it has been used in the past. When there is a genuinely significant development for the state—not necessarily just a big development—the lead agency framework can be used. It covers the Department of Planning, Lands and Heritage; the Department of Mines, Industry Regulation and Safety; the Department of Jobs, Tourism, Science and Innovation; and the Department of Primary Industries and Regional Development. It is a process that can be applied in a broad range of areas. The minister has given examples of areas in which things have already occurred. All of those areas are covered under that framework. A lead agency can then guide the developer through a process to get fast-tracked development. I am sure the Minister for Mines and Petroleum is aware of that process in relation to major mining project developments; for example, the Department of Mines, Industry Regulation and Safety will often take that lead agency role to try to speed approvals through. We therefore have a framework that exists already. I will go on to talk more about the necessity for this particular legislation.

The minister came into this place to rush this legislation through the Parliament, but in fact we are seeing a number of projects bypassing local councils to go directly to the Western Australian Planning Commission. That is actually subverting the proper strategic and integrated processes, and the laws we have for good community planning that have been developed over a long period in our state. If we are doing something that is so important and that will have such a major impact, why do we have to do it in this rushed, improper way? An approval should not go to that higher level, outside communities, unless it is absolutely required and is for something of genuine strategic interest —

Ms R. Saffioti interjected.

Dr D.J. HONEY: Oh, for goodness sake!

Ms R. Saffioti interjected.

Point of Order

Ms L. METTAM: The Leader of the Liberal Party is not taking interjections.

The DEPUTY SPEAKER: Thank you, deputy leader. I do not uphold that point of order. If the Leader of the Liberal Party is not taking interjections, he should inform me of that. Carry on, please, leader.

Debate Resumed

Dr D.J. HONEY: As I said, my concern is that this is playing to an audience that supports the government. The Labor Party claims to represent ordinary working people. It also claims to believe in community-based processes.

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One of Labor's main objections to the Liberal Party historically has been that it believes the Liberal Party is too close to big business. I hear these claims in the federal election campaign—that Labor is the party of the people; it empowers the people. However, I think it is fair to say that, over the last five years, we have seen that the Labor Party does not genuinely represent smaller people in the community but represents a very small group of people who can see some benefit from the Labor Party serving their purposes with legislation like this. It is clear that the government is pushing through this legislation to satisfy an audience. I have heard from that audience. I have had discussions with them. I have had people say that this is great—that they finally have a process through which they can get things done more quickly. It is done more quickly by ignoring the local community; that is how it is done.

I have spoken to numerous councils that have been affected by this process. They tell me that neither they nor their community have a voice. They tell me that this process in fact completely bypasses them. Councils that have gone through detailed planning processes in their area and have an approved planning framework in place are completely subjugated by this process. Under this process, developers are encouraged to inflate the estimated value of their projects so that they go through this approval route and not through a local council approval route. I like local councils. I like local government. I believe the overwhelming majority of local governments are responsible in the way in which they handle approvals. In fact, in the one-on-one discussions I have had with many senior developers in this state, I have been told that with a very few notable exceptions, it is not the councils that hold up approvals, but other government agencies. I will nominate them: in particular, it is Main Roads Western Australia, Western Power for the connection of power, and the Department of Water and Environmental Regulation in terms of water and sewerage connections. That is what I am told. They tell me that those departments are the ones that cause serious delays in getting approvals for such things as locating or moving driveways or other road infrastructure. It has nothing whatsoever to do with the approvals process. They like a process over which they feel they will have more control and through which they will not have to worry so much about local communities, because that will remove a potential obstacle for their investment. However, the major impacts are actually caused by other government agencies. That is why the lead agency process is a good process in all but the most exceptional circumstances.

Local councils understand their communities needs and concerns and are best placed to make important decisions about their future. Since I came into this place, I have been perplexed by the minister and this government attacking councils. Councils care what their communities think and they care about the amenity of their area. They are concerned about traffic flow and other matters in their area, yet they are being bypassed. I am not surprised anymore, but I can genuinely say that when I first came into this place, I was perplexed by the government being so hell-bent on sidelining councils on important planning decisions.

From the way in which these decisions are made, it seems that the Minister for Planning does not care about local communities—but she cares about some of them. There are protections for certain areas along the Swan River and for farming areas out in Middle Swan—an area I know well, because I went to school out there and boarded at Swanleigh. I support the minister in those protections, but some areas in the western suburbs seem to be targeted by this minister. The development of 120 Marine Parade in Cottesloe was referred for special approval. That is happening completely outside a well-debated plan for that area. That plan included high-rise development in specific locations, but then had an appropriate setback because of the proximity of Marine Parade to the beach and the issue of shading of the beach. A developer then came forward with a proposal. Many people were surprised by the estimated value of that development, but that took it outside the council's purview. Through the subsequent proposed regulations, the minister said she would take all control away from Cottesloe council in designated areas, and particularly in the area along Marine Parade opposite the main beach. She will take it all away. The only Liberal electorate in metropolitan Perth is being targeted. The minister laughs. The minister constantly mocks the western suburbs in this place, and she constantly mocks my defence of my electorate. That was her plan, but she has put those regulations on hold; it was not entirely clear they would have survived the Henry VIII provisions. That area has been specifically targeted.

The government's focus is very clear—any suburb along the river or near the ocean is in its sights, because that is where developers get the greatest return. Those areas are not necessarily where there is the greatest need for accommodation so that people can live close to their work; they are where developers can make the greatest profit. Those areas have been targeted by special approvals. As I said, a really well-thought-out and well-argued plan for Marine Parade in Cottesloe was completely disregarded. That plan had gone through debate. The Premier of the day, Hon Colin Barnett, disagreed with the council and some people in the community about height limits in that area as he thought they should be higher. An agreed process was undertaken and that issue was taken into consideration, and it was agreed that for most of that area, there would be a three-storey limit on the road side and a five-storey limit at the back to accommodate substantial infill in that area. However, the limits were higher for certain sites. I stand to be corrected, but I think the Il Lido site had an 11-storey limit and the Ocean Beach Hotel site had a height limit that I think would have taken it to about 10 storeys. Under the Western Australian Planning Commission process, one nine-storey development has already been approved. That is substantially higher than was planned. This site is on a beachfront that is already four storeys above the ocean, so when we are talking about a nine-storey

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development, it is really 13 storeys above the beach. But that went through, totally against the wishes of the community. No-one in my community supported that development, outside the three individuals who owned that block of land and who were going to make a substantial profit from the development. This proposal was completely offensive to the community. There were enormous concerns that we would see shadowing of Perth's most popular beach. What we see with these approvals is that one begets another—one acts as a benchmark for the next. The next proposal is for 11 or 14 storeys. We cannot see any reason that it will not be approved in the area that has been earmarked—as I said, an area for which there had been substantial public discussion about acceptable limits.

Forty-eight per cent of the dwellings in my electorate are already medium to high density. We have 50 per cent greater housing density in the electorate of Cottesloe than in the electorate of Rockingham, for example, yet it has been targeted by the minister, forcing through high-rise developments right on the most popular beach in the metropolitan area. The government just shrugs off those concerns.

During debate on this legislation today we heard the minister again say how many times the guillotine was applied during previous Liberal governments. I can tell the minister that there is a vast difference between applying the guillotine, which is what has been done in this case effectively, and not bothering to inform the house of the legislation or give it adequate time for discussion before the bill was introduced. What about what affected stakeholders think about the legislation? The minister makes the assertion, for example, that some section 17 approvals cannot continue. Is that the case? Is it the case that there is no other mechanism with which the Western Australian Planning Commission can give an extension to those developments?

I do not think the minister wants the public to know about the extension of this legislation or to remind people about what she has done—sidelining communities on important planning decisions—and that is why the minister has introduced the legislation in the way that she has. One of the criticisms the opposition has made of this government is that it is the least transparent government we have seen in the history of the state—no more so than on its COVID management, as we debated in Parliament yesterday. We get no explanation of why the government makes its decisions on COVID and there is no discussion; we are simply told, “This is the case. Do it or else. If you don't agree with it, you're an anti-vaxxer”, or some other pejorative title that the government cares to give us. With this legislation, we see that the government does not want public input on the continuation of this decision because it does not want the public to be reminded that there is no transparency for the community with this government.

When this bill was first debated in 2020, the Minister for Planning claimed that the bill was required to modernise the approvals process and aid the state's economic recovery from COVID-19. At the time, we were told that was the principal driver. Yes, the minister had a desire to modernise the Planning and Development Act, and we agreed some parts of the act needed changing and modernising. Certainly, I do not claim to be an expert in this area at all, but people I trusted indicated to me that there were sensible changes that needed to be made to the planning act. We did not resile from that; it is very rare that old bills do not need some sort of improvement. The justification for putting in excessive powers under this bill is that they will ensure that we do not have any economic problems from the COVID-19 pandemic. In the second reading speech for the 2020 bill, the minister said —

We are seeking to modernise the Planning and Development Act 2005 to focus on strategic planning and create new processes for significant projects ...

The minister went on to say that the bill would cut red tape, support small business and improve community consultation. Looking at what this bill seeks to achieve, anyone building a \$20 million-plus apartment is not a small business—clearly, they are a substantial business. Furthermore, what have we seen since the start of the COVID pandemic? At the time, we supported the government on a whole raft of legislation designed to prevent the spread of, and manage, COVID in this state. We said, “Yes, it is an uncertain time. Maybe you need extraordinary powers.” We did not seek to stand in the way of the government bringing in a raft of legislation, but now we see an industry that is overstimulated. It is fascinating to look at the government's capital program. As I said in the debate on the motion to suspend standing orders, the government fell \$1.5 billion short on its own capital program last financial year. Going back to the global financial crisis during the previous government, the then government fast-tracked government projects. It did not fast-track projects in the private sector; it focused on government projects. We now have a market that is absolutely white-hot, with enormous demand for workers, and the government is announcing project after project after project. The government has failed to deliver \$1.5 billion of the \$8 billion in projects budgeted last year. The minister has now come forward and piled on another \$2 billion for the Armadale line. We are told it will be delivered by 2024. I expect that in the budget tomorrow we will see some eye-watering sum for capital projects, probably like the last budget—but who knows? It could be another \$8 billion in projects. Historically, the government has struggled to deliver more than around \$5 billion of projects. That is the history of it; the government has been incapable of delivering projects.

If the government wants to talk about holding up industry, why are 30 per cent of those projects not going ahead? Why can they not find workers? I have had people in the industry tell me that the government is competing with

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them for workers. The minister comes into the chamber and says that she is desperately concerned about the lack of public housing and that not enough houses are being built, and that she believes somehow, in some mythical way, providing homes for millionaires in the western suburbs is going to fix that problem. I mean, what a farce! With the same stroke, the minister is promoting government capital projects that are literally taking workers away from builders who would otherwise build those houses and putting them into the government's capital projects. In a hyperinflated market, when there is an enormous demand for property, the government is competing against the private sector. The government is competing with and taking workers away from the people who will be subject to the approvals in this legislation. That is not something I have conflated on my own; that is what people in the industry have told me. They have told me it is a deep concern they have. Is the minister serious about wanting to get more houses for people who need houses by building more social houses? We know the government has failed to build all but a handful of social houses. I saw an excellent press release today by Hon Steve Martin. I think the government still has 20 fewer houses than it had in 2020. Hon Steve Martin is a very honourable person and I am sure those numbers are right.

Instead of the government stepping back and saying, "We'll let the private sector get on and do its work. We'll let those projects go ahead", we have the minister coming in here with this bill to push along work. If the minister is genuine and wants to make a material difference to the supply of housing in Western Australia, I strongly suggest she look at the fact that the government is now out-competing the construction industry for capital projects. Maybe the minister should reflect on that, because at the moment that is a major issue for the state.

The reality is that in this state, thanks to massive iron ore revenues and massive GST revenues from the federal government above original budgeted estimates, neither of which the state government has had any role in generating, our economy is in good shape. Our economy is not struggling. It is interesting when I get out and about to talk to industry that everyone says that the one thing holding them back is people. They cannot get the people they need for all their activities. There is no shortage of work. There will be no shortage of construction activity for the next three to four years. The government has a massive capital program going forward. There is a massive number of already approved building projects—housing projects—because of the state and federal governments stimulus of the domestic housing market. On top of that, because of a number of structural issues, we also have a massive shortage of builders. In fact, we have builders failing in the state of Western Australia. The minister is still using this excuse of COVID. Yes, at the start there was the uncertainty that the economy might collapse and that perhaps the building sector would collapse because approvals were not coming through fast enough. I thought that was a nonsense argument at the start, but that was the government's hypothesis. Now we know that that is not the case. We are overwhelmed with work for builders and with construction projects. We have a massive labour shortage in pretty well every industry in the state. Nevertheless, this government is again using this threat, if you like, of COVID to try to justify what is an unnecessary continuation of powers under the Planning and Development Amendment Bill 2022.

The reintroduction of the part 17 pathway will in effect give the Minister for Planning the power to override elected local governments and state officials. The deferring of the special matters development assessment panel until next year is further proof that the government and the minister want to hang onto this power. The part 17 pathway in this bill, like the state of emergency legislation, may have been a necessary pathway or measure when the bill was first brought forward, but once again there is no justification for it now. Why has this bill been brought forward by the government? Because it simply enables a continuation of the powers of the minister and takes authority and input away from local councils and the community at large.

This bill relates to projects that are strategically important, but the trouble is that it does not discuss which projects are strategically important. Is a strategically important project one that is carried out by a developer that the government knows? Is a strategically important project one that will provide the minister with a good media opportunity to go out in a hard hat and fluoro vest, such as the grand announcement about the film centre in Fremantle? Before the last state election, many announcements were made that we would have a major film —

A member interjected.

Dr D.J. HONEY: Was it worth \$100 million?

A member interjected.

Dr D.J. HONEY: Yes. Was that a strategically important project because it happened before the state election and it provided the minister with a chance to get out there with some famous celebrities and get a good media grab and a good picture in *The West*?

Ms R. Saffioti: I wasn't there.

Dr D.J. HONEY: The Premier was and so was the Minister for the Culture and Arts at the time. Sorry, Minister for Planning. Yes, I stand corrected on that. It was her ministerial colleagues.

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Mr D.A. Templeman interjected.

Dr D.J. HONEY: There are some things that I will admit to, minister, and the star power is obvious. Nevertheless, does the fact that a project provides a photo op before the state election to say what the government is doing make it a strategically important project? We have no definition of what is a strategically important project. There are no rules to which the Premier and planning minister need to adhere. There are no prerequisites to define the importance of the projects for which they seek approval; it relies on just their view. If I were a developer, the minister would be my best friend. I am not saying that developers will do anything different. The minister wants to get things moving ahead. The bill states that the Premier or the minister can refer a project for consideration because it is strategically important. Why would the developers not make themselves known to all the members of government and why would they not be friends with them? I think “minister” is mentioned 90 times in the bill. I did not count it myself but someone else did. There is no transparency in these processes and in how these decisions are made. These decisions are just made and they hand over power to the minister and the Premier and they take away power from the people. As I said, there is no proper transparency in the whole process.

Local councils and communities should not be bypassed in this way. There is no urgency here. There is no crisis in the construction industry in terms of construction projects. There is no shortage of construction projects. Regardless of whether those projects were approved by the state development assessment unit, there would be no shortage of them. As I said, this state government is now actively competing with the private sector for the workforce to carry out those projects. This Labor government has a massive double majority in both houses of Parliament. It can do what it likes, and it does. It does not actually care about the concerns of the communities. It does not care about the local governments that are massively concerned that they will be bypassed in this process. This Labor government has its massive majority and it can do what it likes.

The government needs to resolve its priorities. It needs to understand that one of the major causes that has led to a shortage of housing in Western Australia is its continued announcement and development of projects that are taking away the very workers needed by the housing industry. This government, more than any government in Australia, stopped workers from coming into the state during the pandemic. I raised this concern in this place. We always said that it was obvious that this government did not want general tourists coming into the state—people who were just here for a buck’s night or a twenty-first birthday party, especially when we had no idea how this pandemic was going to progress. Near the very start of this pandemic, I said that stopping workers coming into the state would cause major structural problems, and now this government is exacerbating that by competing for labour. The reality is that we do not have enough workers in a range of industries. This is not the topic of this bill, but it is happening no more so than in our health system, which is on its knees.

The extension of these powers is unnecessary. In terms of process, this could have been done in a way that allowed for adequate consideration. None of the factors that are evident today were not evident earlier this year. All the factors that are evident today and that the minister has described as a reason for bringing forward this bill were evident at the start of this year or, in fact, at the end of last year as well. We had this massive stimulation of the housing market through grants from the federal and state governments that led to a huge demand for builders. Going back a little while, Nigel Satterley, one of the major property developers in Western Australia, said that we would not need more land released in Western Australia for 30 years. My understanding now is that hardly any land is available for development that has not been sold to home owners or is already being developed because of the massive demand for those housing blocks from typically first home buyers who are getting those big grants. The industry is not on its knees. We have a pipeline of work that will probably last for the next four years or more. There is no urgency to continue these powers. This is simply about the planning minister and the government having control over these developments and sidelining councils to the detriment of those communities.

It is interesting to look at the process followed. The process goes through to the Western Australian Planning Commission and, ultimately, we know that this legislation that creates a permanent DAP will come through. I will say that I thought one part of it was reasonable, and that was making sure that, for members of the approval panel, that is their only job. I always thought that the idea that an architect who worked on other projects could then be on an approval panel was compromising the process, and I commend the minister for making sure that people approving these matters do not have a vested interest in other developments. Nevertheless, imagine if a referral is made to the Western Australian Planning Commission by the Premier or the minister. How likely is it to reject such a proposal? That would happen only in the most extreme circumstances. They know what they want, and they are powerful, influential people. There is a high probability that such projects will go through, as we saw in the case of 120 Marine Parade in Cottesloe. Playing to the audience of people who can support the Labor Party, to the detriment of councils and decision-making at a local level, is completely improper. It is actually anti-Labor. I think Labor supporters would be quite shocked. I think most of them do not actually know. They know when it affects their particular area, such as Mt Lawley and elsewhere.

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There is no need to do this in the way the minister has done it; there is no need to do this at all. There is no threat to the construction industry in this state. It is unnecessary for this bill to proceed in Parliament.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [1.41 pm]: I rise to make a small contribution to the debate on the Planning and Development Amendment Bill 2022. I support the remarks made by the Leader of the Liberal Party, and the position of the opposition to oppose this legislation. I also oppose the approach taken by the McGowan government to legislation in this place. We saw that yesterday with the extraordinary approach to the extension of the state of emergency powers now that we are in the third year of the pandemic at a time when we need to be attracting tourists and much-needed skilled workers to this state. The extraordinary measures that the government has undertaken in that time have been raised by the Human Rights Commission as an approach different from that of other states, which are now moving away from state of emergency powers towards much more transparency. We are seeing today more of the same from a government that has extraordinary powers and is abusing its overwhelming majority. It is extraordinary that a bill such as this was introduced and given to the opposition with very little warning. We received the bill, as I understand, yesterday morning, and now it is being rammed through the Assembly today with very thin justification.

As I have stated, we are in the third year of the state of emergency. The earlier bill received bipartisan support, but we were in a very different situation in 2020. There was a great deal of uncertainty. At the beginning of the pandemic there was much concern that there was no access, and little discussion about vaccinations. We now have, in this state, the highest vaccination rate in the world. The jobs that were lost during the COVID pandemic have quickly been recovered. In fact, as the Leader of the Liberal Party has stated, more Australians are now in work than was the case before the pandemic. The justification for the introduction of these extraordinary powers to bypass local communities was to fast-track shovel-ready projects to stimulate the market and to assist the building sector to avoid extensive referral periods. We believe that the building sector requires support. The opposition believes that the support required by the building industry is in the area of skilled workers to alleviate the skills crisis this state is facing, as well as the impact of some of the significant cost hikes we are seeing across the sector at the moment. That should not be played down. I understand that many construction companies are feeling the pinch, but it is a complete stretch to suggest that this is a result of the approvals process, particularly at a time when we are seeing a bottleneck of projects. According to the Property Council's most recent snapshot, 35 per cent of projects with approved development applications will be delayed under the current climate.

I will go back to the comments that we made when the earlier bill was introduced, and had bipartisan support, again in a very different climate. The second reading speech for the 2020 bill states —

To help us recover from the COVID-19 pandemic and generate economic activity, the commission will become the new decision-maker for significant developments for the next 18 months. This temporary change in approval authority will enable us to prioritise developments and projects that have investment certainty, are well designed and are ready for construction to commence to create jobs at a time when we need them the most—getting Western Australians back to work faster.

As I stated, at that time—a very different period from that which we are experiencing now—it received bipartisan support, an approach this side of the house has taken with many of the COVID measures presented to the house in 2020 and 2021, but the abuse of the parliamentary process, the extraordinary wielding of power, and this government's belief that it is above scrutiny is of great concern.

I want to touch on a reason that this is of concern, in relation to one of the projects that will be looked at under this process, and will bypass consideration at a local level. I refer to the project associated with Smiths Beach, which is in my electorate. Many members will be aware that that project has a contentious history, as a result of which a Corruption and Crime Commission investigation took place, entangling a former Labor Premier, Brian Burke, who was involved in the previous plan for this development. It is worth pointing out the comments that were made. I quote from an article of 17 July 2021 titled “Smiths Beach proposal: Fast-track planning laws set to deliver win to Adrian Fini's South West dream”, which states that the minister —

... said the WA Planning Commission would be the sole decision-maker for the 18-month period and she specifically noted that “regional or tourism projects that may not meet the criteria but are considered important to assist in the COVID-19 recovery can also be considered a significant project”.

She said the new system would “reduce the administrative burden on the State's 139 local governments” which many observers saw as justifying cutting the sector out of the approvals process.

The article goes on to state —

The Corruption and Crime Commission's Smith's Beach inquiry had been all about that local government process and the difficulties the developers faced in getting the project approved.

Mr David Templeman; Dr David Honey; Mr Bill Johnston; Acting Speaker; Ms Rita Saffioti; Mr Peter Rundle;
Deputy Speaker; Ms Libby Mettam

This is how the 2007 CCC report on its Smiths Beach investigations described the project after its investigations were sparked by an allegation of funding irregularities in a Busselton Shire Council ...

It goes on to raise real concerns about some of the justifications for how the original Smiths Beach proposal was approved. It is no surprise, given the concerns raised at that time, that the community raised significant concerns about what a future Smiths Beach proposal would look like. That is because it is a unique development. It has attracted significant public interest because of its high environmental value, its iconic location and its public amenity. The community at large very much supports a project at Smiths Beach. Adrian Fini and the Fini group are on record as having developed some very impressive projects. This is not a criticism of what the project could potentially look like, but it does deserve proper consideration given the contentious nature of the previous development that was undertaken in the past. The challenge is getting that project right. We know that with such a unique location, there is one opportunity, once this development proceeds, to ensure that it is in line with the unique environmental values of the Smiths Beach area and takes into account the well-documented City of Busselton's town planning scheme as well as the state's Leeuwin-Naturaliste planning strategy. Both planning documents had been part of extensive public consultation. That is what the community is asking for. There is extraordinary interest across the community about ensuring the development that goes ahead at Smiths Beach takes into account those considerations. We know from what has been proposed that the development area is larger than what was previously proposed. I understand it is 62 per cent larger than what was originally approved. The amount of land that would be ceded to the national park is significantly smaller. There are issues about the environmental and visual impact on that area as well as environmental concerns regarding the onsite sewerage disposal at that location. Also, the proposal does not take into account the tourism to residential mix. What has been proposed flips that on its head. Instead of 70 per cent of the site being dedicated to tourism, it is proposed to be the opposite of that. A larger parcel of the proposal is for residential development. These are real concerns. The site also has Aboriginal significance. The Aboriginal site of significance is proposed to be built over with a car park, according to the Smiths Beach Action Group.

The community has highlighted its deep concerns. I understand it has written to the Minister for Planning about those concerns. I also point to the 2009 Environmental Protection Authority decision that stated in its report that the headland should be excluded from any form of development due to the increased visual impact and good quality and regionally significant vegetation, and should be ceded to the Conservation Commission prior to any development. That was in reference to the 20.9 hectares on the south-eastern section of the proposed development. The current proposed variation to the building envelope from the previous EPA report must be thoroughly publicly investigated. A submission has been provided to the EPA and we hope that a decision will be made on that.

It is not only the local community, but also the local council that would like to see this project, as an example of a project that has been prevented through the state development assessment unit process, go through a formal process. A local government has also advised the Minister for Planning that it is concerning that the views and values of the local community will not be properly considered with any proposals that are assessed through the SDAU process. I quote from the Smiths Beach Action Group, which states —

Questions must be asked ...

And —

The current proposal contravenes the major recommendations —

From the previous government —

and will result in a significant loss to the future national park, a dramatic increase in visual impact and vegetation loss ...

I will leave my comments there.

MR P.J. RUNDLE (Roe) [1.58 pm]: I wish to make a very brief contribution to debate on the Planning and Development Amendment Bill 2022. I express my concerns about the very short time frame that the opposition has had to deal with this. I do not think it is necessary. I think we need a much more moderated approach to this scenario.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr P.J. RUNDLE: As far as I am concerned, it is all about letting the people of WA and the parliamentary process run this process in a proper fashion. That is what I am concerned about. As the member for Cottesloe pointed out, I think an element of this is that our local governments either have been or will be sidelined over the next couple of years. I understand the processes that the government had in place, which have obviously been held up.

Debate interrupted, pursuant to standing orders.

[Continued on page 2125.]