

AUSTRALIAN LABOR PARTY, PLANNING APPEALS POLICY

**157. Mr MASTERS to the Minister for Planning:**

The Labor Party has released its planning appeals policy, which largely shadows the coalition's policy. However, part of the policy suggests that third party consultation during the appeal process is a viable option. Based on experiences in other States, can the minister advise what third party appeal rights would mean in terms of costs and timeliness when compared with the current appeals system or the Government's proposed new system?

**Mr KIERATH replied:**

I thank the member for some notice of this question, and for some of his observations. I am sure the member for Armadale is aware that the planning process contains a statutory requirement for community consultation on every new or amended town planning scheme or major amendment to a metropolitan region scheme. The Opposition's simplistic attitude that, despite those opportunities, there should be limitless scope for consultation and appeals is amazing. Some third party investigations are carried out under the current appeals system in that the investigator talks with the parties. However, it is not a formal part of the process. Experiences in Australia and overseas show that third party appeals cause delays, dramatically increase costs and allow people with commercial motives to damage business rivals or to lodge an appeal for ideological reasons when the particular development is allowable under the town planning scheme.

Ms MacTiernan: The Opposition is not talking about third party appeals. You are misrepresenting our position.

Mr KIERATH: The time spent by authorities notifying all potential third parties of procedural challenges results in delays in the approval of applications.

Ms MacTiernan: Are you stupid, dishonest or both?

Mr KIERATH: Other States with a third party appeals system have experienced difficulties in introducing regulations and guidelines to discourage frivolous appeals and reduce delays and in awarding costs in vexatious cases.

Last year, I was a guest of the British Government. I spoke to all the parties involved in the British planning process; that is, lobby groups, councils and developers. Every person I spoke with said that formal third party appeals should not be allowed. An inquiry chaired by a barrister into an application for an extra runway at Heathrow Airport has been going for 11 years, and the Government does not expect a decision for another two years.

Ms MacTiernan interjected.

Mr KIERATH: Some third party appeals to planning developments existed in the member for Armadale's electorate. Western Australian councils want to move away from third party appeals because they result in increased delays and costs. The losers of the third party appeal process are the little people of this world who want a simple, fair and straightforward system.

Ms MacTiernan: He really is stupid.

Mr KIERATH: If given a chance, the Opposition would bring the planning appeals system to a grinding halt.

The SPEAKER: Order! I have allowed the member for Armadale to interject because it is an area in which she has shadow portfolio responsibility. However, there is a limit.