

**PLANNING AND DEVELOPMENT AMENDMENT BILL 2023**

*Second Reading*

Resumed from an earlier stage of the sitting.

**MS L. METTAM (Vasse — Leader of the Liberal Party)** [3.14 pm]: I continue my contribution as the lead speaker for the opposition alliance in the Legislative Assembly. The absence of affordable housing affects people from all walks of life, including low-income earners, students and seniors. For many, the high cost of housing means that they are forced to live in substandard conditions or move further away from their place of work. The social cost of this problem is significant as it results in increased levels of homelessness, overcrowding and social isolation. The provision of social housing should also be an essential component of any government's housing policy, yet this government still has less social housing than when it came into power in 2017. That is a truly inexcusable situation.

The issue of land shortages is one that has been a cause for concern for quite some time now. Despite this, there seems to be a lack of action being taken to address it. This is especially worrying because the shortage of land is having a significant impact on development and is hindering growth and expansion opportunities across the state. We continue to fail on the issue of infill and density around the multibillion-dollar Metronet project, which has far-reaching implications for local communities. In 2017, the then Minister for Housing, Peter Tinley, highlighted that it was important to view Metronet beyond just a rail network and consider the broader economic and community benefits that could be gained, particularly in terms of development around the proposed stations. The government earmarked the development of "metro hubs" that would incorporate higher density, mixed-use developments around key rail stations. He stated that with a growing population in Perth, shrinking household sizes and changing demographics, a diverse mix of housing, including medium and high-density around the proposed stations, would be critical to sustainably and affordably house more people. These areas would benefit from the urban regeneration around stations that would include new and improved public spaces, quality housing options, walkable retail and commercial areas along with local job opportunities. This is a wonderful vision, members, but unfortunately it is simply another dream that has not come to fruition under the McGowan and Cook governments over the past seven years.

The disregard for local planning schemes is another issue that has been consistently raised with me. These schemes are put in place to ensure that development takes place in a way that is compatible with the local environment and considers the needs of the community. However, in recent years, these schemes have been ignored, and development has been allowed to proceed without consideration for the impact it will have on the local area. The lack of respect for these processes has led to a growing sense of frustration and anger among residents. People feel that their voices are not being heard and that their concerns are being ignored. The government must take steps to address this issue and ensure that local planning schemes are respected and adhered to. This is an area that we will examine further during consideration in detail.

It is crucial that the government take a more proactive approach to addressing these issues. It must work towards providing affordable housing options, particularly for those in need, and take steps to address land shortages both in the metropolitan area and in regional towns and provide support to local communities. The government must also ensure that the needs of the community are taken into account. We need to do better and the minister and his predecessor have let things get out of hand.

In the 2022–23 financial year, conditionally approved residential lots across the state fell to their lowest point in five years at only about 50 per cent of the approvals in the 2014 financial year. We have also seen a 22 per cent decrease in the number of subdivision applications received in 2022–23. This is a very clear indication that the Cook government is not adequately resourcing the department and the Planning Commission. It appears to have taken a hands-off approach to key referral agencies that appear to be working against the policy goals that we all agreed to.

Development applications determined within the statutory time frames are well below the target of 85 per cent, with just 68.1 per cent determined within the requirements. The stated reason in the Western Australian Planning Commission report was the continued complexity of applications. Again, this is an administration issue, not a legislative barrier. This bill does not address the core concerns of the industry. Indeed, it appears to undermine some of the coordination roles of the commission.

As I have stated from the outset, the opposition alliance does not oppose the Planning and Development Amendment Bill 2023. We support sensible planning reform and density in appropriate areas that respects the amenity and unique character of the community. The ultimate goal is sensible development and more homes for Western Australians.

I will conclude my comments there. We look forward to the consideration in detail process and thank the advisers for their support with the legislation and the briefings going forward.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [3.20 pm]: I wish to make a few brief points on this matter and I am pleased to have the minister here to listen to them. As the member for Vasse said, the opposition is not opposed to the Planning and Development Amendment Bill 2023. Certainly, commentary has been made around the different position of the member for Cottesloe, but I point out that it has always been the tradition on the conservative side of politics that people are allowed to have a different view. They generally come to the party room and explain that they hold a different view. I have never heard of a situation in which someone has been compelled to follow a party line within one of our groups. I know it is a different arrangement within the Labor Party. Its members obviously do not share the same views as we do on those matters.

I want to turn the minister's attention to the development assessment panel process. I am not suggesting for a moment that it is not an appropriate way to address applications and make decisions on them. I raise this matter to ensure that the community still feels that it is being consulted and listened to. I will highlight a couple of issues that have happened in the recent past and that the minister is aware of because he has been directly contacted about them.

It is interesting to know that the minister, when he was the Mayor of Vincent, expressed concerns around the operation of DAPs. He used to be a strong opponent of the DAP system and felt differently from the way he currently does about that process. I point to an article in *Perth Voice Interactive* of 4 March 2016, when the minister was the Mayor of Vincent, that states —

... Vincent mayor John Carey and Cr Emma Cole will ask their council to pass a resolution stating Vincent, “advocates for the abolition of DAPs” on the basis they “are not democratic bodies representing ratepayers and accordingly do not reflect the aspirations or values of the community”.

The pair say “DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions”.

At that point in time, the now minister was not a big fan of DAPs and felt that they did, in some way, erode the input of communities on planning decision-making. The minister was not alone in feeling that way.

In 2016, the then member for Perth, Alannah MacTiernan, hosted a meeting in Mt Lawley to discuss the DAP approval process after many Perth councils expressed concern with the planning process. An article states that the then —

State Opposition planning spokeswoman Rita Saffioti said the “overwhelming” view raised at the meeting was that DAPs needed to change.

“There is a ... feeling against the DAPs; some of the community is feeling disenfranchised ...

In the past, the current minister has expressed direct opposition to DAPs and his predecessor has held the view that there was an erosion of community participation in that process.

I now turn the minister's attention to a couple of issues that I know have been raised with him directly. One was about a proposal to put a composting facility in Muckenburra, in the Shire of Gingin, which has actually been approved. At the time, the facility was to be placed in an area surrounded by not large expensive farms, but small landholdings, and the local community expressed some concern about that. There were some delays in the information being provided by the proponent that created a need for two meetings of the joint development assessment panel to consider those matters.

The first meeting was held in the Shire of Gingin and, as I said, it was well attended. My constituents expected the second meeting to also be held in the Shire of Gingin, but the joint development assessment panel decided that it would be held via Zoom. The minister would be aware of this because my electorate officer contacted him directly about that back in September. She wrote an email on my behalf to the minister, and the minister responded with a letter that acknowledged the email of 1 September and stated —

The use of the electronic meeting format provided increased flexibility, improved accessibility and the ability to communicate with individuals irrespective of location.

That was the minister's response, but my constituents remain of the view that they were denied the opportunity to express their concerns directly to the panel. I do not know what the reasoning was for conducting a Zoom meeting. No reason was provided by the JDAP for not meeting in the Shire of Gingin other than it had made a decision not to. One might conclude that it might be easier to not show up in a place where there might be 70 or 80 grumpy individuals expressing their concerns and to do that via Zoom instead.

I highlight this to ensure that we do not forget that community consultation is important. Communities need to feel that they are being listened to, and they genuinely do need to be listened to. I do not want to see a system in which the community is forgotten in the planning decisions. As I say, we will not oppose the propositions being put, and discussions on individual items throughout consideration in detail will occur, but I am putting on record that I have been contacted about and had contact with the minister on this matter.

In another situation, a citizen of this state who is not one of my constituents wrote to me about a matter in the City of Canning. I am aware that he has also contacted the minister's office, so I will go through that in a minute. His correspondence to me states —

On Saturday 21/10/2023, WA had out local elections. The two sitting council members, that were due to be part of the DAP panel, were re-elected, and it was under the assumption that they would be on the 5 person panel to vote on the development —

I think the development in question was a childcare centre —

On Monday 23/10/2023 ... the DAP had formally excluded ... both the Canning Representatives on the DAP panel, as they had to be re-sworn in.

I would have thought that a bit of the communication between the DAP and the council to ensure that all the processes were in place would have meant that the council could have been fully represented. As it was, I think a proxy delegate could attend, so there was one representative and the late notice from the council. However, that individual—I am assured he has people who support him—was surprised that this could not be put off to a time when the council could have fully participated. His objection was basically around the safety of the traffic management of the street. I will read a little —

I have no objection to development in any area, but this intersection is on a hill, and crest, with severely limited line of sight. Given this will in the future become a travel path for kids with parents in the car, and the intersection is already a risk, someone will be seriously hurt or killed if this goes ahead.

This person is a professional in the area of road design, so it is not as though it has come just out of the ether. On 24 October, this individual contacted the minister's office directly and wrote —

The DAP will be making a decision on a proposed Childcare Centre Development tomorrow, that was submitted to the DAP and Canning Council, with a vital piece of the Road Impact Assessment being omitted from the application. Once Canning Council was made aware of the omission, the developer was forced to make a hasty amended supplement, which still did not address the physical risk the Road Impact would have, at the corner of Willerie Drive and Manus Place Parkwood. This amendment was done in school Holidays, void of any traffic that would be associated with this proposal. I have advised the DAP I am able to carry out a Road Impact Assessment, that will clearly demonstrate the dangers both visually and physically. The DAP however have chosen to ignore this, ahead of tomorrow's meeting.

He finished his correspondence to the minister with the plea —

I urge you to step in this matter and advise the DAP to postpone tomorrow's meeting, until the correct and fair process is in place.

That plea was directed to the minister's office and the response the individual got was not from the minister, but instead from Anthony Kannis, the director general, on 31 October, with a rather high level description of the role of development assessment panels and the fact that they are set to make decisions in their own right. Instead of addressing the issues the gentleman had put forward, it was a bland and poor response. That sort of situation does not assist in making the community feel that it is being listened to. The purpose of my contribution is a plea to ensure that we do not forget the value in a community feeling that there is a process and a place to go to put forward its views on development, that it continues to be involved in the planning processes, and that its views are taken into account by the decision-makers, both the local government members and the professional members of the assessment panel.

I reiterate that the opposition will not oppose this legislation and I do not oppose what the minister is putting forward. The minister, as a former Mayor of the City of Vincent, has in the past held a view and understands the value of community. This is not an attack of any sort, but just a reminder and a plea for him to carry that forward and remember that in his deliberations and in the carriage of his role as Minister for Planning.

**MR J.N. CAREY (Perth — Minister for Planning)** [3.33 pm] — in reply: I thank all members for their contribution to the second reading debate on the Planning and Development Amendment Bill 2023. I will address a number of issues in detail. I want to again set the context for this reform. This reform is to accelerate the delivery of housing in Western Australia. We are not alone in this. National cabinet and state housing ministers agreed that planning reform is a critical priority. A national planning reform blueprint sets out a policy approach and suggestions to facilitate the acceleration of housing supply. The reforms the government has announced today are very much in line with that national reform blueprint. That blueprint requires each state and territory to undertake planning, zoning, land release and other reforms to meet the very ambitious target of one million homes under the National Housing Accord. This government takes that bold, ambitious target seriously and we take seriously the task of doing everything we can to boost medium and high-density housing, and also to accelerate the delivery of social and affordable housing. Tranche 2 of our planning reforms is very much in line with national cabinet. I have to say

this: other states are doing exactly the same. Whether they are blue or red, both sides of politics understand that we must streamline and cut. That is critical if we are to meet those ambitious goals.

What is critical about the reform is that it is increasing flexibility—for example, the scrapping of the \$10 million mandatory threshold. If a project is over \$10 million, it must go to the development assessment panel system, and we are scrapping that. Part of the feedback we have received is that regional proponents are very happy with that because there are good regional local governments that work with their proponents and have established relationships. I can name great chief officers and great directors of planning in regional communities. They have said that having a mandatory threshold does not make any sense. They want to send projects of significant value to the local government. Because of that change, we will have to look at further education and assistance to those local governments because we might see more development applications move from the DAP system back to local governments in regional communities.

The other point about scrapping any mandatory threshold is that there are well-performing local governments that do really well, such as Stirling, Mandurah and Bunbury. There are some really good local governments out there. The City of Stirling has a mayor with a very can-do attitude; I deeply respect and admire Mayor Irwin. It has been driving an accelerated approvals program. It has been looking at how it can pump out approvals for single homes and other developments. The government's reforms will not affect it at all because it already delegates significantly a number of planning proposals. That local government is doing great things.

I will address some of the comments made by members. I turn first to the DAP system. Commentary was raised by the member for Cottesloe. I say to him that the government has radically improved the efficiency of DAPs. The reforms the government is bringing in will greatly remove perceived conflicts of interest. I will go through some of the changes we have made. The government has significantly increased community consultation and mandated requirements. When I was the Mayor of Vincent, only the next-door neighbour might be notified about major proposals. Our government created a radius model, which is something I personally pushed as the parliamentary secretary. A radius model effectively meant that any homes within a 100-metre or 200-metre radius would receive notice and would be asked to be consulted. For those major density projects that I acknowledge can create concern in the community, people were consulted. Under the former Liberal government, people would not have known about the developments because they were not notified. This government brought in a radius model. A personal idea I pushed after visiting Vancouver was that rather than putting up on the site a sign with some gobbledygook planning speak that most people did not understand, and rightly so, we would require a picture of the building to be displayed so that people could see the built form. We made that. It was not under the previous Liberal government. We did that.

As part of our previous reforms, we also lengthened the consultation requirement. For example, we mandated a minimum advertising period of 28 days for complex applications and a model requiring letters to be sent out to all landholders and occupiers within a 200-metre radius of the site. Our reforms have also increased the minimum public advertising period for structure plans from 28 days to 42 days. That is almost a doubling of the consultation period for structure plans, which are critical to setting the built form of precincts. Right there, I have listed a range of community consultation reforms that we have done and that the previous Liberal–National government never considered when it brought in the development assessment panels system.

The member for Cottesloe made comments about the DAP approval times and he quoted from them. In one of the debates, he said that a review was done of the performance of DAPs in 2020. That found that development application times had blown out to 147 days against a legislated time frame of only 60 days. The average processing time for all DAP decisions now stands at 145 days, nearly double the time taken when they first came into operation. Can I just say that 89 per cent of the councils' approvals were done within the 60-day time frame. We are going to a system that will have a poorer approval pace outcome. First of all, can I just say that that comparison is absolutely wrong? It is a clear lie by the Liberals. It is deliberately misleading the Parliament and the people of Western Australia.

**Dr D.J. Honey** interjected.

**Mr J.N. CAREY:** No. I will get through it. First of all, the member for Cottesloe is referring to decisions by council approvals. Firstly, these are mostly delegated council decisions, like at the City of Stirling, and the member is criticising us for mandating the delegating of decisions on single homes. Secondly, these are simpler projects. Complex projects and bigger projects go to the DAP system. It is well documented. There are clear thresholds. The member is comparing the approval times of complex, big projects with simple projects. That is deliberately and absolutely distorting the facts.

**Dr D.J. Honey:** It was very clear what I was comparing.

**Mr J.N. CAREY:** No, you are not. That is a deliberate —

**Dr D.J. Honey** interjected.

**Mr J.N. CAREY:** I am not taking interjections.

**The ACTING SPEAKER:** Member for Cottesloe.

**Dr D.J. Honey** interjected.

**Mr J.N. CAREY:** I was not. I will repeat it. The member for Cottesloe is comparing 89 per cent of council approvals that were done within the 60-day time frame with the DAP system, which is dealing with completely different projects. Is the member for Cottesloe not trying to deliberately mislead the people of Western Australia, and spread fear and an ideological hatred of density and medium density?

**Dr D.J. Honey:** You just make it up as you go along.

**Mr J.N. CAREY:** I am not taking interjections. I showed respect and listened to all your speeches.

**Dr D.J. Honey:** No, you didn't. You were not in the chamber for my contribution.

**Mr J.N. CAREY:** Yes, I did.

**The ACTING SPEAKER (Mr D.A.E. Scaife):** Minister, sorry—just for one moment. Could the member for Cottesloe keep the interjections to a minimum? Can I also just warn you, minister, that you have used the word “dishonesty” and the phrase “deliberate misleading” a couple of times now. I have been satisfied on the occasions that you have used them that you have not meant them to refer directly to a member of the chamber, and you have talked about a political party, generally, but can I just say that you are sailing a little close to the wind. Bear that under advisement as you continue.

**Mr J.N. CAREY:** I will always take the Acting Speaker's guidance. I was clearly referring to the WA Liberal Party.

This bill will remove the mandatory DAP threshold, as I have indicated, and this will allow proponents to go through all pathways. Secondly, the member for Cottesloe talked about 60-day time frames. The statutory time frame for a development application is either 60 days or 90 days. Again, he gets it wrong; he is factually incorrect in this house. A significant majority of applications fall under the 90-day time frame. Do members know why they do not fall under the 60-day time frame, as the member for Cottesloe stated? Can we guess why planning applications fall under a 90-day time frame and under the DAP system? Do members know why that is? It is because it has community consultation. Here is a member who gets basic facts wrong and then is criticising the system because we are bringing in community consultation as part of it.

It is quite ironic also that the Western Australian Local Government Association report quoted by the member for Cottesloe showed average time frames measured from 2011, at the introduction of DAPs under the Liberal Party, to 30 June 2020, and then he quoted the average time of 145 days. He failed to state that the majority of that was under the previous Liberal–National government, which brought in the DAP system. The reality is that since the introduction of the first tranche of planning reforms, processing time frames have trended downwards. These are facts on the record that the member for Cottesloe ignores. Over the last three years—2021, 2022 and 2023—the median time frames for DAP applications were as follows: for an application that does not require advertising, the median time was 60 days. For an application that requires public advertising, the median time frame was 89 days; however, this includes 2021, in which time frames and processes for everything were impacted by COVID. These are the cold, hard facts. Under this government, we have seen a downward trend, something that was completely ignored by the member for Cottesloe, who used an old WALGA report.

We heard the member for Cottesloe talking about a handful of developers that we have been consulting with. That is absolutely rubbish, and it is disrespectful to every advocacy group that stood with me when we announced it. Apparently, a handful of developers is Shelter WA. Apparently, a handful of developers is Housing Choices. Apparently, a handful of developers is the Planning Institute of Australia. Apparently, a handful of developers is the Local Government Planners' Association. Yes, there was the Urban Development Institute of Australia. Yes, there was the Property Council. Yes, there were the Real Estate Institute of Western Australia and the Housing Industry Association. What is quite interesting is that although the member for Cottesloe attacks and criticises the building industry and all types of small and medium developers, the Leader of the Liberal Party is quoting the UDIA in depth. Who does the UDIA represent? Developers! What an absurd reality this is: we have the member for Cottesloe attacking this government and its consultation on this bill and saying that we consulted only a handful of developers, and then the member right next to him quotes the UDIA in detail. This is embarrassing; the hypocrisy is embarrassing.

Now, we will talk about reforms to the process for single houses. I note that we get support on that from the Nationals WA. It was only on 22 March this year that Peter Rundle, the honourable member for Roe, said —

What I have seen lately from some city councils is red tape. I talk to a range of people in meetings and the like who are slightly exasperated at different times by their dealings over a property development ... or whatever it might be ... I think that sometimes wears down people and sometimes it shuts down development. People can sustain it for a few months, 12 months or 18 months, but after a couple of years they just cannot handle it anymore and they say, “Oh well, I'll go off and spend my money somewhere else.

That clearly shows, even from the National Party, exasperation with some local government and red tape. I think local councils have a very important role to play in setting their schemes and planning policies. When I engage with local residents across Western Australia, I find that they are not aware that the schemes have been set. I saw it in Dunsborough in the member for Vasse's electorate. Residents came to us wanting changes to their scheme because they did not realise at the time that the scheme their local community and councils consulted on allowed for greater density in their town centre. I want to be clear that it was the council which advertised for greater density in Dunsborough, not the state government. Clearly, the local community at the time did not appreciate the reforms or changes made by the local council. This is where we get into it.

Why do we want to tackle single home approvals? Although there are brilliant councils like Stirling, there are also other councils that do not do it very well at all. I put the case of Nedlands on the record, which is a prime example. PerthNow reported on the Purser family who put in a planning application for a two-storey single house in Nedlands on 21 July. It is on the record that the proposed house was next door to the mayor. On 21 November, the council refused the application. Local government staff gave technical advice recommending its approval. The council rejected the application for the Pursers' home despite advice from city staff to approve it. It is interesting to note that the proponent then sought a review in the State Administrative Tribunal on 21 December. The council refused a second time after a recommendation. The mayor then engaged a legal firm to intervene in the SAT. The mayor then initiated legal proceedings in the Supreme Court and lost. After much time and expense, the landowner was finally granted development to build their home. Remember, it is a two-storey single house in Nedlands! I note that during this time, as outlined in PerthNow —

... mayor Fiona Argyle, had declared a proximity interest and recused herself from the council chambers, but texted Olinka Combes during discussion.

...

It can now be revealed that despite her declared conflict of interest, the mayor texted Cr Combes: "I cannot believe you spoke against my family on this item. Appalling."

...

When PerthNow asked Cr Combes about the texts, she said they were "obviously sent to bully and intimidate me".

This is all the carry-on about a two-storey single home that was reported significantly in PerthNow. It further states —

Mrs Purser blasted the council's hypocrisy and tendency to pursue unwinnable SAT cases at the ratepayers' expense.

This is all other people's words. The article further states —

"To me, it's outrageous that the council can spend hundreds of thousands of dollars a year on legal fees, losing the majority of cases, and yet they say they can't afford underground power ...

I think it is the case—we can see it right here —that anyone who reads about this two-storey home approval and what it went through from 21 July to 22 September would understand why these reforms are absolutely needed, and why the majority of Western Australians will support these reforms around single homes.

As I said, we are scrapping the mandatory threshold for development assessment panels and the DAP system. I understand the regions have welcomed this. I have gone through community consultation. We are not changing the proportion of elected local government members or the assessment time frames of 60 to 90 days in the DAP system. The member for Cottesloe got this wrong on the record. These are also the same public consultation requirements that we improved, but the former Liberal–National government did not. Public meetings, agendas, minutes and the opportunity for community members to make deputations to the DAP remains the same. Significant pathway applications will still be advertised, allowing the community the opportunity to make submissions, public meetings, agendas and minutes.

I understand that the Leader of the Opposition had concerns about deputations by live streaming. However, I find that many local residents are embracing it because they cannot get out of work or go to wherever a face-to-face meeting is located. We see this in local government reform with mandated live streaming or recordings, and the advice I get is that many residents actually prefer it because they can have their say. In Gingin, residents came into the chamber and I applaud the local government for doing that. It allows for flexibility.

The member for Cottesloe also raises discretion. Discretion is often built within planning schemes. They have discretion; discretion is there. This is evidenced, for example, in the state planning policy residential design codes embedded in every scheme that provide performance-based assessment criteria.

*Quorum*

**Mr R.S. LOVE:** Acting Speaker, I find this to be a very valuable contribution from the Minister for Planning. It is a pity that the state of the house is such as it is.

**The ACTING SPEAKER (Mr P. Lilburne):** Ring the bells.

[Quorum formed.]

*Debate Resumed*

**Mr J.N. CAREY:** I thank the Leader of the Opposition for providing more audience.

As I was saying, that discretion in local planning schemes is very prevalent, but due regard still has to be given. Performance criteria enables discretion, but due regard must be given, and I do not think that nuance is always understood. Given that context, development assessment panels must give due regard to those provisions. Development assessment panels are standing in the shoes of local governments. A DAP decision contrary to a planning scheme may end up being overtured in the Supreme Court. We have been public about that. Development assessment panels cannot simply ignore planning schemes. The phrase “due regard” is extensively used throughout the planning system. It has a very long history and is found in various parts of the Planning and Development Act. It is already a requirement for the Planning Commission, local governments, DAPs and the SAT. I clarify that due regard means requiring relevant matters be given proper, genuine and realistic consideration when considering an application for development approval. We have heard some bizarre and incoherent attacks on discretion by the member for Cottesloe. We have heard him say in this place that he supports the ONE Subiaco development in Subiaco but does not support the project in Claremont or other projects.

**Dr D.J. Honey** interjected.

**The ACTING SPEAKER:** Excuse me, member for Cottesloe. Minister, I believe you are not taking interjections. Is that still the case?

**Mr J.N. CAREY:** That is right, yes.

**The ACTING SPEAKER:** Thank you, member for Cottesloe. Please can we allow the minister to have his say.

**Mr J.N. CAREY:** We heard in the debate with the member for Cockburn that the member for Cottesloe attacked that decision and attacked the end result. That has been in the media. What I find extraordinary is that the member for Cottesloe attacks discretion, yet discretion was given quite significantly to the Subiaco project. In fact, it had an increase in height of I think around 30 per cent. Where it suits the member for Cottesloe, despite incredible discretion being used but still giving due regard, I have to say, he is fine with that discretion. However, in other places in his electorate, he does not support it. There is no coherent argument. He says that this discretion is okay but that discretion over there is bad, as he has done with Claremont. There is no coherent argument. As I have said, there is discretion in planning schemes. Ultimately, they give due regard to the planning scheme and that is proper, genuine and realistic consideration. I have to say on the record that I believe ONE Subiaco is an appropriate development close to public transport, and that the decision of discretion was a suitable one, but it was still at 30 per cent, which must be acknowledged.

I want to talk about the Western Australian Planning Commission because the member for Cottesloe and the Leader of the Liberal Party appear to be criticising the WAPC, and the expertise and professionalism it has in making decisions on significant projects. I think every Western Australian would agree that the respect and consideration the WAPC gave to the hospice proposal was in stark contrast with the disgusting, appalling, horrific commentary and debate that we heard at the Nedlands council. That was universally condemned by everyone except the Liberal Party of Western Australia, who supported their own supporters at that council. They said nothing. Everyone else condemned it.

I want to look at reforms around the country because this is a critical point. The minister’s powers within this bill are different from other states. If we look at major projects in other states, the minister is the final decision-maker. I put on the record that in other states, the minister is the final decision-maker on major projects. If we believe the smear campaign by the member for Cottesloe that I listen to only a handful of developers, why would I or this government then keep those decisions at a distance through the WAPC? If I was at the beck and call of a handful of developers like the UDIA or the Property Council, which the member particularly hates because of Sandra Brewer, why would I put forward planning reforms that will maintain a significant distance?

I respect the work of the Western Australian Planning Commission. I do not believe there should be a number of significant pathway projects for which I am the decision-maker because I believe that could be open to undue influence. Instead, we have the Western Australian Planning Commission and the very credible David Caddy who is deeply respected across stakeholders. We will empower and strengthen the WAPC as part of the reforms. I think the opposition has simply ignored that. There is an enormous range of different alternatives, some that other states are pursuing. What we are doing instead is saying that we believe in the professionalism and expertise of the WAPC and we will make it even better for significant projects. The UDIA and all the stakeholders have strongly welcomed the approach of significant pathways. In fact, in response to stakeholders’ commentary, we did not go

down a special matters DAP pathway; we went to the WAPC, given its respect as an authority and understanding that stakeholders knew and understood the coded system.

As part of that, we will also have a state referral coordination unit. That unit will initially support significant development pathways and then be expanded to support other types of development. The referral coordination unit will be represented in pre-lodgement consultation and work closely with the planning assessment team. The director of the unit will chair the state referral coordination group, which will comprise senior representatives of all state agencies. The group will work to resolve potential issues and conflicts and present consolidated, single-sector positions. The unit will continue to be engaged in an appropriate way throughout the process. We believe the advice of the state referral coordination unit and better management of potential issues during pre-lodgement and throughout the assessment will support better decision-making.

We have heard some commentary, again unfortunately from the member for Cottesloe, about the planning reforms we are making. We have heard an avalanche or a conga—note I said the word right—line of incorrect facts in this house. It is incredible stuff. The UDIA, the Property Council and others just cannot believe it. The member for Cottesloe says this is for filling the coffers of some rich people in the western suburbs and that is just where we want the density. If members speak to anyone or any stakeholder, they will tell them that costs have dramatically increased, in particular for apartments. There is a range of statistics about the costs per square metre. When I speak to industry leaders, they say can facts for around 4 200 square metres but for other projects they come back at 8 000 square metres. This is the simple economics. I want to thank the member for Cockburn for *Economics for Dummies*, which the member for Cottesloe has never read but should read. It is very clear that, in this current market, the advice from the Property Council and the UDIA, which the Leader of the Liberal Party quoted extensively, tells us that the projects that are most viable are those in the western suburbs. That is because, despite all the cost escalations, they can still sell them. It is just basic housing economics.

The member for Cottesloe said in the debate today that these reforms will never assist any other developments. He said the market economics will not change. That is absolutely wrong. That is not the advice from the housing industry. What the housing industry will tell us is that as the median price rises and as costs taper, some of those previous projects that were not viable will become viable and our planning reforms will assist that medium and higher density in those more affordable areas. It could be in Maylands or Bayswater where currently the economics do not stack up. Of course, as people will be very aware, we brought in a range of reforms to try to help that. There is the infrastructure fund, which is providing direct grants to headworks for apartments. That is aiming to boost density and infill in not only the western suburbs but also other areas of Perth. We have also done the tax concessions, which are very important, for affordable apartments at \$650 000. We have done the 50 per cent land tax concession. All these measures that we are undertaking are to create higher density across Western Australia. I have been very clear that these planning reforms are ultimately about trying to assist to get more housing on the ground and understanding that in the current market conditions, it is make or break for many projects. Holding costs, if a project goes on too long, can kill a development. That is what these planning reforms are about.

I think it is unprecedented. I cannot think of a time before when we lined up so many stakeholders for this announcement around planning reform. I am going to go through it again because it is critical. Shelter WA is one of the most credible not-for-profit groups in Western Australia and represents a vast range of community housing and homeless providers. Housing Choices Western Australia is running key homelessness programs in Western Australia. The Planning Institute of Australia represents a vast array of people in the planning industry, consultants and so forth. I deeply respect the Local Government Planners' Association. We have seen some appalling behaviour by some local government-elected officials who have put pressure and stress on deeply respected, hardworking and trained local government staff. They have been documented and it is a sad state of affairs, but that is a credible organisation.

The Real Estate Institute of Western Australia is a credible organisation representing the real estate industry. The member for Cottesloe so hates the Urban Development Institute of Australia WA Division Inc, which represents land developers, but the Leader of the Liberal Party quoted it excessively. The Property Council of Australia represents small, medium and large property owners. The Housing Industry Association represents small, medium and large builders, mum-and-dad builders who might be doing only a few grouped homes, maybe a project worth around \$2 million that will benefit from this system. I stand by these reforms. These are good reforms. These are about trying to tackle the key issue at hand and I am very pleased to commend the legislation.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

*Consideration in Detail*

**Clause 1: Short title —**



**Dr D.J. HONEY:** I have been here six and half years and I think that is the most bizarre and offensive second reading reply speech I have ever heard. Getting to the question at hand, during the minister's second reading speech and in a significant amount of commentary from other members in this place and, I might say, commentary outside this place, the claim was made that removing any role for local councillors in approving planning matters will somehow lead to an improvement in housing stock in the state. If we look at the Western Australian Local Government Association's figures for 2022, the last survey it did, we see that 88 per cent of all applications were determined within statutory time frames, 99 per cent of development applications were approved and 98 per cent of development applications were determined under delegated authority. The report refers to scheme amendments but I will not speak on them.

Councils have been an exemplar in dealing with planning approvals. I know that everyone likes to quote individual war stories and I heard the minister's commentary just then on an individual decision, but how will the changes that the government has proposed within this bill make any significant difference to the number of residences that will ultimately be developed in this state in either a timely manner or in the total number? I appreciate that there might be parts of it that irritate the minister, but on just a straight factual basis, how will this change make any difference to the number of dwellings that will be built in the future versus the number of dwellings that would be built if we continued with the current arrangement for council approvals?

**Mr J.N. CAREY:** Firstly, the reason that national cabinet made planning reform a priority was that the advice from all stakeholders recognised that the planning system across the board in every state needs reform. I would say this and I hold this view: I do not think there is ever a time when we can simply sit back and say that at this moment in time a planning system is done. I think there are always opportunities to look for future reforms. The Western Australian Local Government Association statistics relate only to councils that opted in, so I would say the WALGA stats do not present the full picture. However, the previous reforms that we have already introduced have related to greater streamlining and approvals, particularly around major projects that have used the significant pathway, for example, or other changes around the development assessment panel system.

I will give the member an example. I think that these reforms will give people full flexibility and that the member would agree with me. I know we differ on many things, but the scrapping of the mandatory threshold of \$10 million means that a proponent will be able to look at more channels and say that this is the best way for them. I have said on the record that there are very good local governments. Stirling, Mandurah and Bunbury are doing great things. We will be scrapping the threshold under our new reforms. Under the current system, grouped dwellings of, say, four units would have to go via the local direction. The reality is, if it is not a delegated authority and it is going via council, it will take a longer time, whereas going through a development assessment panel system will be more efficient. Respectfully, I know that the member may disagree with that, but we believe that by enabling greater flexibility for proponents and the route they choose, these changes mean that if a local government, like the member has identified, is performing well, proponents may go down that route. When a local government, like Cambridge for example, which has significant issues I think it is fair to say, and a number of proponents have had difficulty in engaging with planning staff, the DAP system and the changes to the DAP threshold will create efficiencies.

**Dr D.J. HONEY:** I agree with the minister's comment about flexibility. But the contention is that the change to remove councillors completely from this process was put up as one of the reasons that we have a housing shortage in Western Australia. There is a terrible housing shortage in Western Australia, and one of the ways we will solve the housing shortage is to remove councillors from having any ability. That has been the clear contention. We have heard repeatedly that nimby councils—this insult is used willy-nilly for any council that does not agree with changes outside its local planning scheme—are holding up these approvals, but the objective data indicates that any changes made as a result of this act will be absolutely at the fringes. It will not result in a significant change to the number of proposals approved or to the speed with which they are approved. Overwhelmingly, those approvals were occurring at that rate. Outside the assertions that people have made or individual examples, was any modelling carried out to indicate whether this would make some measurable difference to the number of buildings we will see built in Perth or Western Australia?

**Mr J.N. CAREY:** If the member sees all the speeches that I have made, he might disagree. I will take him back to the media conference when I was asked to name and shame councils. I did not and I pre-briefed the Western Australian Local Government Association. We have kept it regularly informed. I notice that WALGA could have come out guns a-blazing and it did not. I acknowledged Mandurah, Mundaring, Bunbury, Busselton and Joondalup. There are very good councils doing very good things. But if we did not bring this reform in, we would no longer have a significant pathway process. The COVID measure would kick out and we would not have this process for major strategic developments. I will tell the member where this is important. Major affordable and community housing developments coming up will use the significant pathway process, because it will get all the agencies in the room and provide very clear certainty for the process. Just to be very clear, if we did not do this package, we would not have the significant pathway for major projects, like—I will be frank—the two big density projects we are working on in Smith Street and Stirling Street. They will go through the pathway to provide certainty.

I would use the hospice example because, again, I do not think the council handled that debate and the whole ramifications around it well. I think the Western Australian Planning Commission handled it very well. Having that significant pathway process is critical.

Regarding modelling, no, I cannot say that, because the range of cycles with housing approvals and development applications change the housing economics of the time. We have gone through an incredible burst, but it is now tapering off. Respectfully, I have to listen to the Urban Development Institute of Australia, the Housing Industry Association and others that tell me, for example, that the threshold change for \$2 million for DAPs will assist mum-and-dad builders who might be building four to five units. If that went through a local council pathway, it could take much longer and potentially end up at the State Administrative Tribunal. Although there are great local governments, I use the example that there are also local governments that, despite the clear recommendation and expertise of the planning staff, when something is almost compliant, they still reject it. I have to say that Nedlands has fallen into that category whereby it has consistently ignored staff recommendations and ended up at the SAT. That has cost hundreds of thousands of dollars and the matter has ended up in favour of the applicant. There are cases in, say, Nedlands. It is not all western council suburbs, because I like the Claremont council and I deeply respect Mayor Jock Barker; he is a doer. It will come down to council to council, but that is where I think our reforms on the threshold will be beneficial.

**Dr D.J. HONEY:** I am not intending to drag out the short title debate for an inordinate time, but there are some important principles to get through. The minister referred in his second reading speech to the issue of discretion. I will highlight this particular area. If there is one thing that would make me much more relaxed about what is being proposed, it is about going outside local planning schemes. The contention is that councils and the community will still have input outside the consultation phase for any DAPs or other bodies, and that the community will have input because it will be able to develop a local planning scheme and that local planning scheme will then provide the guardrails for development in a community. Unfortunately, I have no confidence whatsoever that that is what happens.

I will be specific about 120 Marine Parade. It has a well-established local planning scheme. The minister might recall that former Premier Colin Barnett actually drove the council to give an increased height. That local planning scheme would allow a seven-storey development on the Il Lido site, a nine-storey development on the Ocean Beach Hotel site and five-storey developments along the rest of the beachfront. There is a current development going ahead that conforms with that old planning scheme. In the case of 120 and 122 Marine Parade, the DAP approved a seven-storey development right on the footpath, which, combined with the cliff height in that area is actually 11 storeys above the beachfront. This development will increase shade on the beach in the morning. It went through. The developer of the five-storey development that is going ahead right now is a very good, responsible developer that believes it will make a good profit on that development. It is not that that development could not go ahead. It will provide high-quality accommodation, but the seven-storey limit simply allows those proponents to make more money. It does not provide substantially more housing. This is what I have been worried about all along and that has happened on a number of occasions. That approval for seven storeys was given under the process of apparently shovel-ready projects.

In fact, that project at 120 Marine Parade could not go ahead because it did not have a required back entrance coming into it. That was then sold at a considerable profit for the three people who were partners in developing it. Apparently, now someone has joined two blocks together and is going to develop it, but it is completely outside the local planning scheme. If that happened in the local planning scheme, the minister would not have heard a peep out of me. What confidence can we have with this that we are going to see actual respect for local planning schemes? We have seen it again and again. I am happy to stand corrected on this one, because I have not had a chance to correctly ascertain the facts. However, I believe that for some of the high-rise developments done near Canning Bridge in Applecross, the original local planning scheme was something like 12 storeys and we ended up with 32-storey apartments. What comfort can my community and the rest of Perth have that there will be any respect for local planning schemes? The crux of the single greatest concern is taking some review authority away from the councils.

**Mr J.N. CAREY:** The member raised a number of issues there. I appreciate that although we have had argy-bargy, I will try to answer the member's questions. First of all, the development the member raised did not go through the development assessment panel system. It went through the COVID process of the significant pathway, which had complete and full discretion. I will say a couple of things because the member raised a few others. There is generally discretion in schemes. The reason is that, if someone is developing a two-storey home and wants to go closer to the neighbour on a particular wall, they will need discretion, and that is done under a performance criterion. I think we can all agree that that is sensible and common sense.

I have an interesting example. The City of Melville created a precinct and did not actually go into further detail in terms of the discretion. A developer could go as high as they wanted because there was no limit in the scheme itself or within an adjoining policy. South Perth is probably a better equation. It has said that, "For this public benefit,

you will get this discretion.” The overall point I am making is that if a council wants better limits around discretion, it should absolutely detail them in the scheme. Does that make sense? It can also detail them in an adjoining policy. The DAP have to give due regard to the scheme, but if the scheme has some discretion, then, like an elected official, that discretion can be used. However, if the scheme puts in some extra boundaries around that discretion, then that has to be abided by.

I think the member has to see this as two different pathways. We currently have the DAP system and significant pathways. The COVID response did say that there could be full discretion. Under the new scheme, there will still be discretion for the Western Australian Planning Commission, but it will be spelt out. Those conditions will apply when the scheme has not been updated for 10 years—which makes sense and encourages local governments to update their schemes—or if it is a project of state or regional importance or public interest. I would say that a hospice or a major community housing project would fit that category.

Sorry, I just wanted to clarify that for the member. That will be a minor change for the Western Australian Planning Commission, but it is in accordance with the estate planning policy. We are coming up to that part of the bill and I am happy to go into further detail.

**Dr D.J. HONEY:** I have a further question. I will go back to one part. In the metropolitan area, we have previously seen that we have had to have a significant area developed. We have had development authorities. I do not actually know what the area was, but the Scarborough redevelopment was set up as a special development area and the like. Was that pathway always available to the minister and the government and has it been available for some period of time? I think the Scarborough area was set up under the former government. I am not sure when the East Perth redevelopment was set up under the government. That allowed for all the coordination of the services that the minister explained.

**Mr J.N. CAREY:** It is a good question, member. I would say that it is a different act, not the planning act. Secondly, it takes significant time because it requires, in effect, a new scheme. Thirdly, I would perhaps put to the member that that might create serious conflict with local governments. If I decided that I wanted to do something in Dunsborough, went through that process and plonked it down, I would suspect that the local community might not be happy with that. It is a good question, but I think the member has seen that those precincts have been in significant renewal areas. That currently includes Elizabeth Quay and Scarborough, of course. I have to say that we have handed back Scarborough to the City of Stirling because it does such a great job.

**The ACTING SPEAKER (Mr P. Lilburne):** Member for Cottesloe, I suggest that perhaps these are the questions be addressed at later stages of the bill. I have given you a fair amount of latitude. It is the first clause and I suggest that we perhaps consider the further elements that you are interested in in later stages of the bill.

**Dr D.J. HONEY:** I just have one further general question, with your indulgence, and then we can move on. In the minister’s second reading speech, he talked about the 85 000 blocks being released in Perth. One of the issues that I discussed in my second reading contribution was that *Perth and Peel@3.5 million* really implies the requirement for 600 000 new dwellings in Perth by 2050 if we are possibly going to accommodate all those additional people in Perth and Peel. Is there planning for that? In terms of major development, that is tomorrow; 2050 is a blink of the eye for such a massive increase in population. There will be three times the population of Tasmania here in that time. How will that overall planning be managed with what will come out of this new bill?

**Mr J.N. CAREY:** I thank the member for his question. First of all, the figure the member referred to relates only to planning investigation areas. In effect, planning investigation areas were driven by the previous minister for areas—not viewed as outer-fringe, I think that is fair to say—like Ballajura and others. Those areas were viewed as being constrained, but that they had potential for land development. Work needed to be done now to get more land into supply, as the member rightly identified. On top of those planning investigation areas are all those others areas that are being subdivided or proposed. One of my jobs as the Minister for Planning; Lands is to meet with a lot of land developers who are working on proposals that might require, for example, an amendment to the metropolitan region scheme to change it to urban or, most often, a structure plan. I want to assure the member that the figure he referred to relates to only planning investigation areas and that substantial work is being done across a number of other different landholdings, whether it is being led by the local government or by private developers, to get more land into supply.

**Clause put and passed.**

**Clause 2: Commencement —**

**Ms L. METTAM:** I refer to clause 2(e) and note that parts 3 and 9 and the remainder of parts 8 and 11 will come into operation in a staged proclamation process. Can the minister provide an estimation of how long this will take? Will resourcing issues delay the proclamation of these remaining parts of the bill; and, if so, what will those issues be?

**Mr J.N. CAREY:** Again, that is a great question, member for Vasse. I have not given a time frame because I did not want to pre-empt the passage of the bill through the Parliament. My commitment is that as soon as the bill is passed, I am happy to inform the member of the anticipated time frames for the delivery. I understand that industry and a range of stakeholders are keen for the new system to be put in place. I want to put on the record that it will be a staggered approach. Some of the changes will require a longer time frame. As the member would be aware, there are regulations, some of which have already been drafted, that are online and are being consulted by the Western Australian Local Government Association and other stakeholders. My commitment to the member for Vasse is that I am happy to tell her as soon as I know. We are working to a time frame as quickly as possible.

As I have indicated on medium density codes—this is a side note for the member for Cottesloe—it is our intention to work through the issues identified by stakeholders. I could see it being the case that once we have resolved the medium density code issues, we might have the new DAP system lined up with medium density codes. My aim is to try to get as many of the changes as possible lined up on the one date to provide certainty for the community and industry.

**Ms L. METTAM:** I appreciate the minister's response. What sort of time frame is the minister anticipating on the medium density codes? In terms of resourcing issues, what will be the challenge in getting those medium density codes in place?

**Mr J.N. CAREY:** As I said, I take the medium density code seriously. The issue is that there are significant and diverse views across the board, even amongst industry stakeholders. I am very cognisant of that. The Western Australian Planning Commission is providing advice on the matter and I will resolve it as soon as I can, but any modifications to the medium density code will need to be drafted and changed. It will not be an instantaneous response, but I think it makes sense to line up as many of those changes together as I can. If the member thinks about it, if a resident, a small builder or a developer knows that there is one point in time when many of these initiatives will start, we can carry out some pre-education. Rather than giving this date and then that date or starting two weeks later, it would be my preference and that of industry and other local governments that we line up these dates together.

**Ms L. METTAM:** Just going back to one part of the original question, will any resourcing issues delay the proclamation of these parts; and, if so, what are they?

**Mr J.N. CAREY:** With the COVID pathway, we have already put in additional resources to assist that process, and yes, even more resources will be provided to assist. I talked about the referral unit. I have to say that once the mandatory threshold is scrapped, it will be interesting to see where people go. As I said, in regional Western Australia, we may see proponents going not to the DAP system, but to local government. We will have three metropolitan DAPs and a regional DAP, so we might find that local governments will get more of the burden and that we will have to provide assistance to those local governments.

**Ms L. METTAM:** Just on the resourcing and local governments perhaps getting a bit more of the load as a result of these changes, have local governments raised any particular concerns or given feedback to the minister about additional resourcing that may be required as part of this process?

**Mr J.N. CAREY:** The advice is no. I have had a good working relationship with WALGA since my time as Minister for Local Government and I respect the leadership. The advice from my agency is no. My point is that some local governments may just need more strategic advice about the particular processing of a development, but I will come back to this.

This is a ripper of a reform and, from what I hear, the member for Cottesloe agrees with it and the opposition strongly agrees with it. By scrapping mandatory thresholds, we really are testing the proposition: will good local governments, like the City of Stirling, actually see more floor? The City of Stirling is well prepared. It has an incredibly resourced team, so I am pretty confident. We have the referral unit and we are putting in those extra resources at a state level.

**Clause put and passed.**

**Clause 3 put and passed.**

**Clause 4: Section 4 amended —**

**Dr D.J. HONEY:** Clause 4(1) will delete the definition of “district DAP” and “special matters DAP”. Can the minister explain the logic behind removing the special matters DAP? I would have thought that there would be particular circumstances—the minister has actually discussed some of those circumstances a little today—that have issues that require a particular focus. They may be quite unique in the agencies and the like that they are required to confer. Having a special matters DAP to look at that particular issue or region and maybe its complexities would avoid distracting the DAP that deals with all the general approvals, of which there will be only three. Why are we not retaining the special matters DAP?

**Mr J.N. CAREY:** I thank the member for the question. The advice I received from all stakeholders was in unison; that is, it would effectively be an either/or situation—either the WA Planning Commission or the special matters DAP would be the decision-maker on significant projects. Interestingly, all the feedback was that for critical or big projects, the WAPC, with its expertise and strategic oversight role, was better placed than just another DAP. I understand the member’s concerns about the DAP system and whether too many applications will come in. I think that is why creating full-time positions in the DAP system is important. The member raised my time as the Mayor of the City of Vincent. I have changed my position and repeatedly on the public record I have indicated why. One of the reasons was that when the old DAP system first started, it was haphazard. One would attend a DAP meeting and then at the next one there would be different members. By reducing the number of DAPs we have already created more consistency. With full-time members I am hopeful that if a member of the community, or a proponent, goes to a regional DAP, they can recognise the members because two of them will be the same members who have been there for previous decisions. I believe that those changes to full-time DAP members will assist in terms of the current DAPs. The reason for the special matters DAP was, in effect, because we chose a significant pathway through the WAPC.

**Dr D.J. HONEY:** I have said in the past that the move to full-time DAP members is positive and it will avoid instances of serious conflict of interest on the part of DAP board members. One of the areas that concerns me more generally about planning approvals—I refer to the comment the minister made about full-time members—is that many people see their ultimate career as being in a senior role working with developers. Will there be any caveat? In many occupations there is a caveat that if people work in an occupation, they cannot work for a competitor for a period, or will there be no control over that?

**Mr J.N. CAREY:** Any full-time DAP member cannot have any other employment—they cannot be a consultant on the side—and they have to remove all conflicts of interest. This might shock and surprise the member, but I have to admit that those in the industry—I think it was the Property Council of Australia—said that they were not sure about having full-time DAP members. It was from their viewpoint because they thought we needed to draw on the expertise of industry. I think we have the best system by saying that there are full-time DAP members and we want to use them well, but that we will still have a pool of expertise that we can also draw on from time to time, because that is just the reality. I think we have a good balance. The member might be surprised that in this case I did not just bow to the development industry; I actually said that we needed full-time DAP members.

**Dr D.J. HONEY:** Good on you, minister.

**Mr J.N. Carey:** That is the first time we have complimented each other today!

**Dr D.J. HONEY:** It is an important change to the legislation. This is a complex bill to follow. I am not being critical of the minister. I got the parliamentary staff to print out the acts that this bill refers to. Good luck! I am sure the minister’s officers are dab hands at ripping backwards and forwards between those acts, but in the limited time I have had, it has been a bit hard.

Clause 4(2) refers to the development assessment panel “established under section 171C(1)”. As I understand it, that part of the bill proposes amendments that would allow regulation to reduce the number of panels from five to three. There is also some discussion about district DAPs. Is there a circumstance under this bill when there will be more than three DAPs, or will there be only three DAPs; or is there capacity for more than that?

**Mr J.N. CAREY:** There are two parts to my answer. First, I will clarify the confusion about district DAPs. Because we were originally going to have special matter DAPs, we had to come up with a different name for normal DAPs, so they were called district DAPs. I will put that aside. Secondly, the regulations govern the creation of the DAPs. Yes, a government could change those regulations and create more DAPs. It is not the intention of me or the government to do that because all the feedback is that if we want greater consistency in decision-making, we need fewer DAPs making more decisions.

Debate adjourned, on motion by **Ms C.M. Rowe**.

*House adjourned at 4.57 pm*

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