

BGC (AUSTRALIA) PTY LTD, PLANNING APPEAL

**Ms MacTIERNAN to the Minister for Planning:**

I refer to the planning appeal lodged with the minister by BGC (Australia) Pty Ltd on 19 December 1999 in respect of a deemed refusal of an industrial development in Hazelmere.

- (1) Can the minister explain why the ministerial appeal system, which he tells us is quick and efficient, has seen the appeal remain unresolved for more than eight months?
- (2) Can the minister confirm that this extraordinary delay in dealing with the appeal is providing a shield for Mr Buckeridge in fighting off prosecution by the City of Swan in respect of his development of the site without planning approval?

**Mr KIERATH replied:**

- (1)-(2) I am not sure whether the question is proper and correct as the appeal is before me at the moment. I do not normally discuss an appeal with anyone when it is before me. I am happy to discuss any conditions before and after the process. Therefore, I hesitate to answer. Bearing in mind that 750 appeals are made a year, I ordinarily would not recall in response to a question without notice the detail of an appeal, and I would ask the member to put the question on notice. However, this is an unusual appeal as the City of Swan currently has a town planning scheme amendment under preparation. A series of studies are taking place over a road realignment. It is simple: If the alignment goes one way, the appeal will be upheld; if it goes another way, it will be rejected. The town has had this scheme before it for four or five years. It asked me to hold off for another month until it will have the information finished. I have held off for month after month. I am not stalling as the City of Swan is causing the delay. I said that it is unreasonable for the matter to drag on for nearly eight months awaiting further information, so I gave a deadline by which the city must produce the information; otherwise, I will make the decision without the information. It is a very unusual matter. This is the only appeal of its kind that has been before me in four years.

The City of Swan has been running with this town planning scheme amendment preparation for a long time. I say to councils - this is a good opportunity for me to remind them - that it makes it easier for everyone involved if they put their town planning schemes in order as they are the legal instruments by which we all abide. This is a classic case of a city not being prepared to finalise its scheme, which causes discomfort and difficulty to many people. I urge the City of Swan to complete its town planning scheme.