

**WESTERN AUSTRALIAN PLANNING COMMISSION AMENDMENT  
BILL 2003**

**EXPLANATORY MEMORANDUM**

**Introduction**

The purpose of this bill is to establish a Coastal Planning and Coordination Council as a prescribed standing committee of the Western Australian Planning Commission.

In August 2001 the *Ministerial Taskforce: Review of the Structural Arrangements for Coastal Planning and Management in Western Australia* (Ministerial Taskforce) was established to review structural arrangements for coastal planning and management in the State. The need for the review arose from pressures for the development of coastal land and evidence of community concern about the process of planning for and assessing certain proposals for development on the coast.

There is currently a Coastal Zone Council, which is established as a committee of the Planning Commission under section 19 of the *Western Australian Planning Commission Act 1985* (the Act). The Coastal Zone Council is not a prescribed committee. In other words, there is no requirement for the Planning Commission to establish the Coastal Zone Council.

In June 2002, the Ministerial Taskforce recommended, amongst other things, that the Coastal Zone Council be reconstituted as a prescribed standing committee under s19(1a) of the Act and perform an advisory function to the Planning Commission on coastal planning matters. Options for selecting a chairperson were presented and the composition of the Council was proposed to include more community representatives.

The Government responded to the Ministerial Taskforce's recommendations in April 2003 with the release of *Coasts WA: Better Integration, The Western Australian Government's Response to the Coastal Taskforce Report* (Government Response). One aspect of the Government Response was a commitment to establishing a new Coastal Planning and Coordination Council (the Council) to provide high-level strategic and integrated advice on sustainable coastal planning and management. It was proposed that the Council would be a prescribed standing committee of the Planning Commission, with an independent expert as chairperson who would also be a member of the Planning Commission.

The Bill implements this aspect of the Government Response by:

- i) establishing a Coastal Planning and Coordination Council as a prescribed standing committee of the Planning Commission;
- ii) providing for the appointment of the presiding member of the Council to be a member of the Planning Commission;
- iii) conferring on the Council the function of providing advice on coastal planning and coordination throughout the State; and

- iv) providing for more community representatives to be appointed to the Council as compared with the existing Coastal Zone Council.

In establishing the Council and conferring it with the function of advising on matters relating to coastal planning and coordination throughout the State, the Bill will:

- facilitate the improvement of coastal planning and management systems to deal with increasing competing demands and expectations for conservation and development of the coast; and
- through the improvement of coastal planning and management systems, assist in achieving consistent and coordinated decision-making in respect of the coast.

Outlined below is an examination of the contents of the Bill on a clause by clause basis.

**Clause 1:** Short title and citation.

**Clause 2:** This clause provides that it is the *Western Australian Planning Commission Act 1985* that is being amended.

**Clause 3:** This clause provides for the appointment of a coastal planning member to the Planning Commission. Subclause (1) confirms that the member will be an additional member. Subclause (2) sets out the basis for appointing the coastal planning member. The member will be appointed on the basis of having experience in the field of coastal planning and management.

It is noted that the coastal planning member of the Planning Commission will be the presiding member of the Council in order for the Council to maintain close links with the work of the Planning Commission.

**Clause 4:** This clause establishes a Coastal Planning and Coordination Council as a prescribed standing committee of the Planning Commission. There are currently four prescribed standing committees: namely, the Executive, Finance and Property Committee; the Statutory Planning Committee; the Transport Committee; and the Infrastructure Coordinating Committee. Subclause (1) has the effect of requiring the Planning Commission to establish a fifth prescribed standing committee: namely, the Coastal Planning and Coordination Council.

Subclause (2) sets out the composition of the Council. The Council comprises of the following members:

- i) a presiding member (the coastal planning member of the Planning Commission);
- ii) representatives from state government departments;
- iii) representatives from local government; and
- iv) specialist community representative members.

The presiding member is the member of the Planning Commission appointed on the basis of having experience in the field of coastal planning and management. The coastal planning member of the Planning Commission is required to be the presiding member of the Council and cannot appoint a nominee.

The state government department representatives comprise the chief executive officer (or nominee) of the following departments and commissions:

- i) the Department for Planning and Infrastructure;
- ii) the Department of Environment;
- iii) the Department of Fisheries;
- iv) the Department of Conservation and Land Management;
- v) the Department of Industry and Resources; and
- vi) the Western Australian Tourism Commission.

In accordance with the provisions governing the existing prescribed standing committees, these various members are appointed by reference to the department principally assisting the Minister to whom an Act is for any one time committed by the Governor.

There is one metropolitan and one regional local government representative. The process for appointing local government representatives is simple. Appointment is made by the Planning Commission with the approval of the Minister.

At least two specialist community representatives must be appointed. The appointment of these members is based on the member having knowledge of and experience in one or more of the fields of urban and regional planning, property development, engineering, heritage, community affairs, environmental conservation, indigenous affairs, natural resources management, tourism, coastal planning, urban design, commerce and industry, or the provision of coastal infrastructure. Appointment is made by the Planning Commission with the approval of the Minister.

Additional members may be appointed by the Planning Commission with the approval of the Minister.

The Council has the function of providing advice to the Planning Commission on matters relating to coastal planning and coordination throughout the State. In this way, the Council will have the responsibility of providing advice to government, through the Planning Commission and relevant agencies, on the sustainable planning, development and management of the coast.