

**STANDING COMMITTEE ON ESTIMATES AND
FINANCIAL OPERATIONS**

2014–15 ANNUAL REPORT HEARINGS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 9 DECEMBER 2015**

**SESSION ONE
DEPARTMENT OF PLANNING**

Members

**Hon Ken Travers (Chair)
Hon Peter Katsambanis (Deputy Chair)
Hon Liz Behjat
Hon Alanna Clohesy
Hon Rick Mazza**

Hearing commenced at 9.30 am**Ms GAIL McGOWAN****Director General, examined:****Ms SUSAN BURROWS****Assistant Director General, Perth and Peel Planning, examined:****Mr JOHN DEERY****Chief Financial Officer, examined:****Mr TIM HILLYARD****Chief Property Officer, examined:****Mr ERIC LUMSDEN****Chairman, Western Australian Planning Commission, examined:**

The CHAIR: On behalf of the Legislative Council Standing Committee on Estimates and Financial Operations, I would like to welcome you to today's hearing. Can the witnesses confirm that they have read, understood and signed a document headed "Information for Witnesses"?

The Witnesses: Yes.

The CHAIR: Witnesses need to be aware of the severe penalties that apply to persons providing false or misleading testimony to a parliamentary committee. It is essential that all your testimony before the committee is complete and truthful to the best of your knowledge. This hearing is being recorded by Hansard and a transcript of your evidence will be provided to you. The hearing is being held in public, although there is discretion available to the committee to hear evidence in private either of its own motion or at the witness's request. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session before answering the question. I just remind people that we are actually broadcasting on the internet as we go. Government agencies and departments have an important role and duty in assisting the Parliament to review agency outcomes on behalf of the people of Western Australia. The committee values your assistance with this.

Do any of witnesses wish to make an opening statement?

Ms McGowan: I am ready for questions, Chair. However, if it suits the committee, Eric Lumsden, who is the chair of the commission, has come along, and given sometimes there is overlap, if you would like Eric to join us at the table, that is up to the committee.

The CHAIR: Yes. As you are probably aware, we have the commission afterwards.

Ms McGowan: Exactly, but a separate one.

The CHAIR: I will take guidance from members if they are happy for Mr Lumsden to join us. We will still try to focus on the department first and then go to the commission.

Ms McGowan: Absolutely, but it is just every now and again there is some crossover.

The CHAIR: Yes. Mr Lumsden might like to come to the table.

Hon SUE ELLERY: Good morning everybody. For my question, I guess the reference in the annual report is page 12, but I am not sure that the detail that I want is there. It is really about the Perth and Peel@3.5 million report. I was interested in where land is identified as changing from

rural to urban or urban expansion. Were individual landowners in the area consulted at all about that?

Ms McGowan: Generally speaking, there was not a one-on-one consultation, and that was because obviously in any land use planning there are a lot of interests we are trying to juggle. One of the primary reasons for the public comment and submission period that ran, and the framework has been issued in draft format, was to allow that one-on-one to occur. But I will ask Ms Burrows if she wants to add anything to that.

Ms Burrows: Basically the plan is to outline a strategic higher order framework, so individual landowners were not advised. However, they have contacted us; we will meet with them in this process. Once the submissions have been assessed, they go to the commission. There are other processes with respect to actually formalising that into a zone. They are then directly consulted formally.

Hon SUE ELLERY: In the area of Gnangara, the suburb is identified as urban expansion, and I am interested in the thinking behind that.

Ms McGowan: I will ask Ms Burrows to answer that.

Ms Burrows: It is basically looking at the wider planning for the area; the suitability of the land going from, say, a rural to an urban zoning; looking at infrastructure and environmental provisions; plus the requirement for additional housing density within that area. At this stage it is just put out there for public comment. We have received submissions on that land and that will be reported in the commission in due course.

Hon SUE ELLERY: Are you able to tell us how many submissions have been received?

Ms McGowan: We had just on 1 100 submissions, both from individuals and organisations. We are going through and analysing those at the current time. We would expect to go back to the commission with some recommendations around the end of the first quarter in 2016.

Hon SUE ELLERY: When would you anticipate the final document being released?

Ms McGowan: We would look towards the middle to the latter half of 2016. At this stage we are going through a process and also working quite closely with the strategic assessment for Perth and Peel, and we would expect those draft documents to be released for public comment before we finalise the planning framework, so we make sure the two are as compatible as we can get them.

Hon SUE ELLERY: Thank you. And can you just also walk us through the process by which you conducted the consultation?

Ms McGowan: Which—the consultation at Perth and Peel@3.5 million?

Hon SUE ELLERY: Yes.

Ms McGowan: Obviously, everything went out for public submission. We are now meeting on request with local government, or clusters of local governments, and other interested parties who are making contact with us. That is one of the aspects of being able to work through the underlying rationale, and so far any individuals that may contact us wishing to meet, we are quite happy to meet. So that will either be the manager or the director of that area or the more senior levels of the organisation.

Hon SUE ELLERY: Did any individuals seek to meet?

Ms Burrows: Yes, there have been individuals that have contacted us to meet. Also, through the local government we were advised of interested parties and we are not denying any requests to meet. We are quite happy to meet with people who want to discuss what is happening to their land.

Hon SUE ELLERY: Again in respect of that Perth and Peel report, have the population projects been updated from the draft?

Ms McGowan: The population projections?

Hon SUE ELLERY: Yes.

Ms McGowan: No, not from the draft at this point in time. One of the issues with any forward modelling of population, I mean, we are very much aware that the current population growth has dropped off significantly. In talking to our modellers, they are saying—and they are working on WA Tomorrow figures in close liaison with Treasury—at this stage there is nothing to actually cause them to change their long-term trend forecast, but we do have, obviously, ups and downs. It is probably worth also noting in terms of the consultation that the work the officers of the department are doing is on behalf of the commission and just trying to get that information so that we can provide it to the commission for them to make an informed judgement at the time. So it is not sort of a negotiation period or anything at this point.

Hon SUE ELLERY: Are you able to give me any advice on whether there were significant discrepancies?

Ms McGowan: What we have done at this stage is sort of try to identify whether there is any sort of, as you would say, almost hotspots of where there is a similar range of concerns. There are a few. I probably could not go into the detail of exactly where they are. Certainly one of the things that is difficult in any land use planning exercise is looking holistically and, as Ms Burrows said, at the strategic implications when you are balancing environmental considerations, basic raw material considerations, population trends, growth patterns et cetera, so just making sure people have that understanding of why things were done in a particular way. For instance, in the south and Peel area, we have had a number of proponents submit environmental reports to say, “Well, no.” You might have said that it is either yes or no to an area or made a recommendation; they would challenge that with reports. There are a couple of other pockets that are similar to that as well.

Hon RICK MAZZA: I refer to page 13, and I hope my copy matches up. The ePlan online system stage 1 that you have implemented, when is it likely that stage 2 or phase 2 will actually come in?

Ms McGowan: We are rolling it out progressively. We have already introduced the capacity to have structure plans and further material online, plus a plan view map. In terms of actually categorising it as stage 1 and stage 2 on this particular date, it is really just a progressive application, but we would see within the current financial year we would have most of it rolled out.

Hon RICK MAZZA: Has local government got access to that system as well?

Ms McGowan: We have talked to local government and we are certainly quite comfortable with sharing information with local government on that score. Local government have had a system of their own, but we have had discussions with WALGA and some of the individual local governments are very, very comfortable with the idea of making information available. One of the advantages of the online lodgement, as well as obviously the efficiency, will be to allow people to see where in the process applications are at; and also as part of our overall planning reform, to ensure that we have a greater capacity to identify where hold-up points might be, and also have a stop-the-clock mechanism. If something goes back for further information, we are able to show that in the system.

Hon RICK MAZZA: Has that made the application process a lot quicker?

Ms McGowan: It has, particularly in some of the referrals, particularly between agencies. We have cut down times in some cases considerably. I have not got the exact details but I know we have had reports of halving some of the referral times et cetera. So all of it, as with any system, depends on the quality of the information coming in, but by and large our intention is to streamline it to that degree.

Hon RICK MAZZA: That is good. Just moving to page 17, in the second paragraph under “Regional Town Planning Projects” you talk about funding by royalties for regions and the

programs, and then the planning activities in the Kimberley, the Pilbara and in the midwest. What actual planning activity has there been in the midwest in particular?

Ms McGowan: I would probably have to take that one on notice. I know we have done some broad-scale land availability analysis and things, and certainly in the midwest I know we have done that, but I could certainly provide some extra information on it.

[Supplementary Information No A1.]

Hon RICK MAZZA: Then page 15, going back a bit, refers to the Middleton Beach hotel, which of course has been a subject of controversy for a number of years. It says, reading through these notes, that you are the chair of the committee?

Ms McGowan: One of the assistant directors generals is chair, so yes.

Hon RICK MAZZA: And there should be a structure plan in by mid next year?

Ms McGowan: Yes.

Hon RICK MAZZA: Have there been any general expressions of interest from private developers as yet?

Ms McGowan: That is something that will be handled through LandCorp, so I am not aware of that. Our role is mainly making sure that there is coordination with all of the parties there, not in the commercial elements of it.

[9.45 am]

Hon RICK MAZZA: Page 19, under “Average Time Taken for the DAP Application”, about three-quarters the way down is the midwest JDAP. There are no days given. Can you explain why there is no data on that?

Ms McGowan: To my knowledge we have not had any applications that were referred to a JDAP in the midwest, and that is demonstrated in terms of the value of the applications, which is zero; the nature of the form 1s I think is also zero in there as well.

Hon RICK MAZZA: Page 23 “Employee profile”: you had an increase of nine permanent employees in 2014–15. Can you give some detail around the requirements for those extra nine employees?

Ms McGowan: What we have been doing as part of the implementation of both phases 1 and 2 of our planning reform agenda is really looking at where our priorities are. In terms of the full-time equivalent average, the number of employees has actually gone down, so while some may be permanent, that is obviously a bit of a composition of part-time et cetera, as well as contracts. But broadly speaking in terms of our employee profile we run at about 440 employees, as it sits there, in terms of permanent employees. Most of that effort is directed at the statutory responsibilities of the agency in terms of processing all of the approvals or applications for approvals that come through and providing support to the work of the commission. In terms of broad priorities across the agency, they can be broadly identified, as I say, as that statutory work that we need to do. There is the implementation and the finalisation of Perth and Peel@3.5 million and the suite of subregional planning frameworks that sit with that. There is the work we are doing on the strategic assessment for Perth and Peel, because while that is led by the Department of the Premier and Cabinet, we have a very significant role in terms of a lot of the mapping and footprint work that goes on there. Then we work broadly in terms of the regional planning supporting the northern planning program, particularly the Middleton Beach work that you have referred to, and a significant amount of work in the south west around the East of Eaton or Wanju project, which is a significant land development project just at the east of Bunbury.

Hon RICK MAZZA: Just on workers, on page 27 you have got your occupational health and safety performance statistics. I am not quite following what that measure is. You talk about lost

time to injury as one in 2014 and 0.46 in 2015, and then the percentage of workers returned to work, with 60 per cent and 80 per cent in 2012–13 and then 100 per cent in 2014–15. How many actual workers there were injured?

Ms McGowan: From memory, in the last financial year we only had a couple of minor issues, and of course I am embarrassed to acknowledge that having spent a whole lot of time on occupational safety—I used to be able to recite chapter and verse how the lost time–incident rate was calculated in terms of the formula—I can no longer do that off the top of my head, but effectively we have had a couple of minor trips and falls out at Whiteman Park, I think. What that is telling us is that during 2014–15 anyone injured who lodged a lost time–injury claim or a workers’ compensation claim successfully returned to full-time work within that period. As I say, we had no significant injuries or lost time.

Hon RICK MAZZA: Which is a good result. In 2012–13 you say there was a 60 per cent return after 13 weeks and 80 per cent after 26 weeks. Were there workers who did not return to work in that year?

Ms McGowan: No, we have not had any, and, certainly, I am not across the detail of the actual incidents in 2012–13. You do, however, occasionally get an instance where there might be someone involved in a work-related motor vehicle accident or a long-term back injury or the like, which means that they may either take quite a significant time for rehabilitation or may not come back permanently. I am not aware of anyone who we have had who has not come back.

Mr Hillyard: I know one of the staff members, as the director general has said, has had a back injury that was exacerbated by a vehicle accident whilst at work as well, and his re-employment has been interrupted by periods of further rehabilitation, so it has been over a long, extended period of time to get back to work.

Hon ALANNA CLOHESY: Can I get back to the planned Forrestfield train station precinct—or High Wycombe—whichever it is located at. What role has the department had, and will have in the future, in relation to planning the precinct?

Ms McGowan: We actually lead planning of the new station precincts in collaboration with the Public Transport Authority; City of Belmont, obviously for Airport West; and Shire of Kalamunda and Perth Airport for the rest. So in simple terms that transport portfolio is responsible for the actual train line and the build there. All of the land-use planning in the vicinity of the airports we are involved with in terms of doing structure planning. To give you an example, we have done a general strategic planning framework, but as I say, in close consultation with both of the local governments in that area. We are actually doing some broader structure plans for both Airport West and Forrestfield precincts with those two local governments. We actually have recommended, and are supported by the Western Australian Planning Commission, planning control areas for the land affected there.

Hon ALANNA CLOHESY: Where?

Ms McGowan: In terms of the two station precincts, not right along the railway line. We are also looking at doing some broad work, because what you have effectively at Forrestfield is the opportunity for a business park and the opportunity there; more at Airport West it is around a potential to help meet some of the government’s targets in terms of infill and revitalisation of that area. Our role—Ms Burrows is very much involved in this—is actually working with the local governments and the transport team to maximise the return on investment for government and at the same time achieve some other objectives.

Ms Burrows: I think it is about providing good opportunity for contemporary new urban centres around the transit-orientated developments. We work extensively with local governments in terms of getting a good employment activity as well as choice of new residential areas within those two cells.

Hon ALANNA CLOHESY: What are your targets for infill?

Ms Burrows: Our targets for infill: we are sort of looking at about 3 000 around Airport West and for Forrestfield between 5 000 and 9 000.

Hon ALANNA CLOHESY: That is a big difference, 5 000 and 9 000, particularly —

Ms Burrows: It is around 10 000 residents; sorry, I stand corrected.

Hon ALANNA CLOHESY: Around Forrestfield?

Ms Burrows: Yes, I am mixing up my jobs with residents, sorry.

Hon ALANNA CLOHESY: So, the goal is 10 000 for Forrestfield?

Ms Burrows: The goal is 10 000 new residents in Forrestfield—5 000 jobs.

Hon ALANNA CLOHESY: That is 5 000 jobs at the precinct after the development or in the construction of the precinct?

Ms Burrows: Both, so construction, but also ongoing employment areas around the railway station and the adjoining land too.

Hon ALANNA CLOHESY: What proportion of that is in the construction? How many jobs in construction?

Ms Burrows: I would have to take that question on notice. There are estimates at this point in time. At the moment we are still doing the detailed planning for these precincts. At the moment, it is still a very high level of getting the framework in place as to whether types of land uses will go.

The CHAIR: So those 5 000 jobs are both in construction and permanent jobs?

Ms McGowan: We would expect most of the 5 000 to be longer term when the business park is developed—to actually generate employment for about 5 000.

Hon ALANNA CLOHESY: So that is actually on notice: the number of jobs, and by industry, if you like.

The CHAIR: Or type.

[*Supplementary Information No A2.*]

Hon ALANNA CLOHESY: If we are looking at 10 000, what mix type of dwellings are we looking at?

Ms Burrows: We are looking to actually create some cells of high density living within Forrestfield particularly and also Airport West station. So, we are introducing probably a new mix to the Shire of Kalamunda and alternative types of living, whether it be apartment living or group-dwelling living. We are still working through that process, but we are looking at higher codes than R20 that currently exist in the area.

Hon ALANNA CLOHESY: Can you give me an example that?

Ms Burrows: I suppose in some of the cells we are looking at R60 and R80, but that will come with more detailed precinct planning. We are really looking at providing some housing options in that area that do not currently exist within the Shire of Kalamunda.

Ms McGowan: That is being worked through with the Shire of Kalamunda and I also just note that around one of the issues we are managing from a land-use planning perspective around the actual station precinct is the need—while it will be a transport-oriented development, it will be mostly business park in the immediate proximity to the station because of the potential noise generation and the operation of the freight yards. Then, as you come out to about 400 or 500 metres —

The CHAIR: Beyond the ped shed?

Ms McGowan: Yes.

The CHAIR: A lovely irony, is it not?

Hon ALANNA CLOHESY: When did you start talking to the Shire of Kalamunda about the project?

Ms Burrows: There have been project working teams with the Shire of Kalamunda, but also led by PTA, and they have been involved for well over 12 months now on that.

Hon ALANNA CLOHESY: Planning has been involved in all of those meetings for more than 12 months?

Ms Burrows: Yes, correct, looking at the future around those railway stations. Yes, there has been a good 12 months' discussion—that commenced about 12 months ago. It could be longer, but more detailed planning in the last —

Hon ALANNA CLOHESY: What liaison are you having with the Shire of Kalamunda in relation to the —

The CHAIR: Did you take on notice an exact time frame? It was jumping around so I just wondered if you would take that on notice specifically when it commenced.

Ms Burrows: I can give you an exact time frame as to when.

[Supplementary Information No A3.]

Hon ALANNA CLOHESY: That is actually what I was getting at: when did Planning start talking to the Shire of Kalamunda specifically about the development around the Forrestfield?

Ms Burrows: I will take that on notice and I will give you the exact time frame on that.

The CHAIR: We will make that all part of A3.

Ms Burrows: But certainly in the last six months there have been quite detailed discussions between ourselves and the Shire of Kalamunda with respect to the planning of those precincts. We are now working with Kalamunda to prepare the district structure plan that is currently with the department for reporting to the commission, so we have worked with our colleagues on that in doing a wider planning for that area, understanding that there is future planning to come—or detailed planning.

Hon ALANNA CLOHESY: What about with the PTA? When did the department start liaising with the PTA about the Forrestfield precinct?

Ms Burrows: I would suggest that the liaison between PTA, Planning and the local governments almost commenced at the same time with respect to the planning of those cells or involvement for the project teams, with information sessions set up with the officers some time ago within this 12-month framework, maybe even longer.

Hon ALANNA CLOHESY: Can I put that on notice?

Ms Burrows: Yes, I will give you details on that.

The CHAIR: We might make all of the time frames A3—so shire, PTA and all of the ones.

Ms McGowan: Certainly, in simple terms pretty well from the establishment of the project the department has been involved with the PTA and the Department of Transport on various steering committees and working groups, and likewise with the local government.

Hon ALANNA CLOHESY: When was it established?

Ms McGowan: I do not know—as I said, we will give you the exact time frames—but very early in the piece.

Hon ALANNA CLOHESY: Can you come back to the actual plan of the cities at the moment—of the precinct? We are talking about freight yards and some development that was east of the freight

yards, so closer in to the precinct. What about car parks? How many car parks are planned in the station area?

[10.00 am]

Ms McGowan: I think the PTA has identified the need for 3 000 Park 'n' Ride car bays.

Hon ALANNA CLOHESY: How many, sorry?

Ms McGowan: Three thousand. That is across the whole FAL project. Forrestfield is 2 500. From our point of view, the detailed planning on parking requirements will form part of the detailed planning work that we will do as the structure planning progresses. I think the intention is we will have the interim arrangements, and then in the longer term the parking would be what I would describe as on the wings, and the business precinct in front of the station.

Hon ALANNA CLOHESY: I am very visual; I am trying to picture where they are.

Ms McGowan: Yes.

Ms Burrows: Visually, at the moment, the plan is that the PTA was looking at car parking in front of the station. We are talking in the longer term, acknowledging as that precinct is starting to develop maybe looking at some development sites, but over time transitioning that car parking area into other land uses.

Hon ALANNA CLOHESY: How much land are we talking about currently in terms of parking? What is the actual space that we are talking about?

Ms McGowan: The station precinct at Forrestfield is 252 hectares of primarily light industrial and rural residential. The proposed redevelopment is to be more of a contemporary urban centre, and that is the 10 000 residents and 5 000 workers. The precise hectarage of any car parking area—I do not know that we would have gone into that detail yet.

Ms Burrows: The land area is to accommodate, at this point in time, just over 2 000 car bays at Forrestfield.

Hon ALANNA CLOHESY: Generally speaking, how big is 2 000 car bays?

Ms Burrows: I cannot give you the exact; I will have to take that on notice. We can provide that information as to the actual land area.

[*Supplementary Information No A4.*]

Hon ALANNA CLOHESY: Does the PTA have any plans for the size of car parks?

Ms Burrows: This is through the PTA—their plan for the station site, the immediate surrounds of the station site to accommodate, at the moment, the Park 'n' Ride, but we have also worked with the PTA on the design of the station site, access to the station site and where those car parks are. We are in discussion with them.

Hon ALANNA CLOHESY: So you are currently supporting the general direction that the PTA is taking?

Ms Burrows: Correct, but we are also talking to the Shire of Kalamunda about that as well.

The CHAIR: Sorry, I just want to be clear about that. You are supporting the general direction of the PTA, not the Shire of Kalamunda?

Ms McGowan: I think our response there is that when we go into the detailed land area planning, that is when we will, you know, make judgements on parking areas, but the government position is 2 500 car parks. We will work with both the Shire of Kalamunda and with the PTA to optimise the outcomes from that whole development.

Hon ALANNA CLOHESY: Where are the other 500 car parks?

Ms Burrows: At the Airport West station, looking, if I could put it, closer it to the airport land; there are some areas being looked at there for car parking for Park 'n' Ride.

Hon ALANNA CLOHESY: So the rest of the 500 are at Airport West?

Ms Burrows: Yes.

Hon ALANNA CLOHESY: What about Bayswater? Are there any additional car parks planned for Bayswater?

Ms Burrows: Not within this project.

Ms McGowan: We have not been involved in the car parking or any of the land use around the other stations to any great degree at this point in time. I think our focus has been on certainly the land-use opportunities at both Forrestfield and Airport West. We have, however, had discussions to indicate that we do not support long-term parking at those other what you would call the more suburban stations.

Hon ALANNA CLOHESY: Have there been any discussions around land use at all around Bayswater?

Ms Burrows: Not in detail, no.

Hon ALANNA CLOHESY: Any discussions?

Ms Burrows: I believe there have been some discussions. I am not aware of the details of those discussions.

Hon ALANNA CLOHESY: Do you think we could take that on notice?

Ms McGowan: I think that question would have to be directed to PTA because we have not been specifically involved in discussions, other than any of the work that we do in planning—this would be in our central team—would be around broad land-use planning for that whole Bayswater area or the central precinct. But have we had specific focus on Bayswater station as part of the FAL project, no.

Hon ALANNA CLOHESY: Okay, so what work has been done in relation to Bayswater?

Ms McGowan: I would not be able to—that would just be in terms of our overall central planning framework, which is part of our frameworks for Perth and Peel, and any ongoing planning work.

Hon ALANNA CLOHESY: But what does that mean? I do not understand what that means.

Ms Burrows: It would generally mean business in a general planning sense, where we will look at all those major stations to maximise land use potential around those stations, and that also being whether it is employment activity but also increasing density of housing around those station sites, particularly the major station sites. That is general business as we would do for the planning framework normally.

Hon ALANNA CLOHESY: So what work has been done in relation to density, housing and other planning in Bayswater?

Ms McGowan: I will let Ms Burrows expand, but, effectively, each of the local governments with our planning for Perth and Peel@3.5 million and our ongoing business as usual planning, we have general infill targets for local governments and they are generally reported at the end of each year in our report card on Directions 2031. So Bayswater would have its target reported there. Obviously, as part of the work that the commission has done, we have looked at activity corridors and activity centres and promoting transport-oriented development. Clearly, across the metropolitan area as part of Directions 2031, and also continued on in our Perth and Peel@3.5 million, we have an infill target of 47 per cent, most of which we believe can be accommodated along those activity corridors and around major transport routes and railway stations. From a land-use planning point of view, we are certainly looking to optimise potential for increased density around stations, broadly

speaking, including Bayswater; that would be one of them. But, as I say, that is separate to the work that we have been doing on the Forrestfield airport. Did you want to add anything?

Ms Burrows: Just we can provide specifics with respect to the planning around Bayswater.

Hon ALANNA CLOHESY: That would be great.

[*Supplementary Information No A5.*]

The CHAIR: The 10 000 residents and 5 000 jobs, is that a conceptual figure in terms of the planning?

Ms McGowan: Yes.

The CHAIR: Is that right?

Ms Burrows: Yes, it is.

The CHAIR: What happens if the PTA ends up buying and using the land that you have talked about for mixed-use and a business park for car parking? What are the outcomes then?

Ms Burrows: The outcome is that land will be used probably in the interim for car parking. We have been talking to PTA about staging it over time—transitioning that car park into other land uses that we want located in that area.

The CHAIR: But what powers do you have to ensure that occurs if the PTA—you have put a planning control area over it, I think—uses that planning control area, purchases that land for the construction site, and then says that is the land they are going to turn into car parking. What controls do you have to make the PTA then turn that over to a business park?

Ms Burrows: It is generally through an agreement with the PTA in terms of the future land use for that area. We already have some of those agreements where car parking is there for a number of years and then it is transitioned into other land uses.

The CHAIR: Where do you have those agreements currently?

Ms Burrows: I believe there is one on the northern line.

The CHAIR: Butler?

Ms Burrows: I think it may be Butler—is it Butler?—yes.

The CHAIR: But the agreement there is not about—the PTA does not own that land that is going to transition, does it? It leases it from the private developers.

Ms McGowan: We do have options, and I will certainly ask the chairman if he wishes to comment, but certainly under the planning framework we can have time-limited development approvals. More and more, and the example would have to be the building we are located in at 140 William Street where we are looking at things like air rights and parking and all those sorts of things, where it is much more strategic use of land around those centres. They are longer term proposals, because they are obviously relatively expensive to implement, but they are the sorts of, I suppose, transitions in the future that we are looking towards. The chair may wish to comment in terms of we work closely with the PTA and with the transport portfolio.

Mr Lumsden: That is correct, but also from a commission point of view, I would be expecting the detailed planning through council schemes to reflect current and future uses of that, just to try and see that we can get the phased basis for redevelopment of the parking area into mixed-use development.

The CHAIR: But if council the plan says mixed use and they put a car park on it, are they in breach of the town planning scheme at that point?

Mr Lumsden: Not if that is in alignment with their scheme. They might have to amend their scheme. But I am not aware of what Kalamunda is going to propose.

The CHAIR: You talked about the car parks being on the wings. Are they a part of the planning control area at the moment?

Ms Burrows: No, they are not. The planning control area is looking only at the government-owned land. Any planning of land use, as the chairman has outlined, could be zoned for that purpose, but you can write things into the scheme to allow for a transition. You can also allow for that to be a permissible use at that point in time.

The CHAIR: But what is going to happen to that land that is identified in the scheme as car parks but is not purchased by the government? What can a private developer do on that land once it is zoned as a future car park in the local scheme and the high-level schemes?

Ms Burrows: Through that process, that process has not come to that point at this point in time. That has not been decided, but that land —

The CHAIR: No, but you just said to us that is your preferred outcome, so one would assume that where we are going to end up is the land on the wings being zoned for car parking. If your preferred outcome occurs, what happens to that land if it is not purchased by the government at this point in time? What is then allowed for the private owners of that land in terms of development approvals if it is identified as future car parks?

Ms Burrows: If it is identified for that purpose, they can use it for that purpose. The zoning will be worked out. But, yes, that is what planning is about. All land is designated a type of use, and that is the use you can take.

The CHAIR: Yes, but do you understand the point I am getting to? Your plans will create a blight over that land. You will then prevent people being able to get approvals for development because your preferred outcome is to see that. I do not know what transition period we are talking about here. Maybe that is something you can tell me. If that land is blighted for that transition period, there is no process for injurious affection I would not have thought. I do not know who buys land if people make a claim under injurious affection. I am trying to understand what happens to those people when you blight it by putting a car park on it but then the PTA says they are not going to buy it to build that car park, because no-one else is going to build a car park.

Ms McGowan: I might ask Mr Hillyard to just talk a little bit about the land acquisition processes of the commission and possibly touch on a little bit of some of the other airport work as well, or the road work.

Mr Hillyard: I think your point is valid. If the land was shown as a car park, that would be a de facto reservation in any event and the land would have to be acquired in one form or another. If it was not to be purchased by the Public Transport Authority, the issue would fall to the Planning Commission to look at modifying their planning control area et cetera so that compensation would be available. The issue of injurious affection comes to the point of where land can be used for no purpose other than a public purpose; that is the trigger, if you like, for that. In this case, if it was to be zoned only for a car park, which is associated with the public work, then the government would have to acquire or compensate that landowner for that blight, if you like.

The CHAIR: If that is the case, why then is the planning control area not over that car parking land if that is what you have identified? You have a planning control area already over part of the area, despite the fact that you have not completed the planning, and that is understandable. If, as you have already said, your preferred option is to have the car parking on the wings, why is there not a planning control area over that whole area at the moment?

[10.15 am]

Ms McGowan: Because at this stage, as I say, it is a long-term transition and there is not a need to do that at this point in time; it is really —

The CHAIR: If it was your land, would you be happy with that—for planners to be putting in place restrictions on what you can do with your land and then saying, “But it’s a long-term transition; we’re not going to put in place any mechanisms to help resolve that outcome for you”?

Ms McGowan: There are no restrictions, as I understand it, at this time.

Ms Burrows: At this point in time, it is conceptual; it is only a discussion point. Nothing has actually been put to the commission with respect to this, which we will do, probably, with the district structure plan when that goes up to the commission for consideration. I suppose that is when those types of questions are addressed.

The CHAIR: So if someone —

Hon SUE ELLERY: But conceptual or otherwise, it has an immediate short-term, medium and long-term impact on those people right now. So, conceptual or otherwise, right now it is having an impact.

The CHAIR: So if someone came to you today and asked to build a showroom warehouse, or went to the council and wanted approval to build a big, new commercial showroom warehouse, of which there are plenty in that area already, would that be approved if it was on that land that you want in the long term as a car park?

Ms Burrows: On those lands, if the use can be entertained under the current planning mechanism, we would assess the application, we would put it to the commission to get a decision, and there would be an appeal right on that decision. If you can apply for that land use, technically under the scheme, it —

The CHAIR: So when the government then eventually reaches the point where it wants to buy that land for a car park, would we compensate the people for the full cost of the construction plus the land value of that development?

Mr Hillyard: If it got to that point, yes, you would have to, because it is fair market value.

Ms McGowan: I think that is one of the balancing acts that goes on in planning the entire time. Yes, we will have, I suppose, the desired state from a land use planning point of view, and often there will have to be compromises and different approaches taken to get to the best outcome you can, taking into account any of the circumstances at any point in time, and that is the work we deal with, day in, day out.

The CHAIR: What is your transition period? What are you expecting the transition period to be between the mixed-use area being used for car parking and transitioning to your preferred wings approach?

Ms McGowan: To some degree that will depend on some of the commercial realities in terms of potential interest and take-up in business park-type opportunities and bringing that onstream. We would see it as a reasonably long—not a short-term option at this point in time.

The CHAIR: When you say not a short-term, is short-term in your view five years, 10 years? When you are talking about Perth at 3.5 million, it could be —

Ms McGowan: Until we have done the detailed planning around there, putting a time frame on would be purely speculative. I think it is something that as we work through that detail —

The CHAIR: No, I am not asking you to put a time frame on it; I am asking you to define what short-term means to you.

Ms McGowan: In all of our land use planning framework, I think we have been taking short-terms up to about five years or so, and then going out, so in fact, when we have done the planning frameworks and we are looking at staging of things, we actually look really within about a five-year time frame and then a five to 20 and then beyond that.

The CHAIR: All right.

Ms Burrows: But I would like to add that this is still a decision to be made by the commission, so nothing has been presented to the commission in this regard. The commission may have a different view.

The CHAIR: Right. You said you had been working from the planning point of view with the whole railway line. Were you involved in the initial decision to select the route of the airport railway line, or have you been dealing with, once the route was selected, how you now plan around the stations that have been chosen by the PTA?

Ms McGowan: I will defer to the chairman because I was not there.

Mr Lumsden: The short answer is no.

The CHAIR: You were not involved in the route?

Mr Lumsden: Not initially, which was your question.

The CHAIR: So you were given the route and then you have to work out the planning that fits around the route?

Mr Lumsden: That is correct.

The CHAIR: Do you know why that was the case?

Ms McGowan: That would be a decision of government at the time and I do not know the answer.

The CHAIR: Because from a planning perspective, is it the best route? Are we missing opportunities? Are there other locations where you could put stations in place? Is the Forrestfield station in the best location to maximise the benefits of that station from a planning-out point of view?

Mr Lumsden: In terms of what the catchment is, I think the station or thereabouts, without being precise, is a reasonable station. I also think the station at Airport West, bearing in mind the City of Belmont's aspirations for redevelopment in that area, is reasonable.

The CHAIR: But in terms of Forrestfield and the, I think, 250-odd hectares that you talk about as being the area, would not the best outcome for planning be instead of the railway station lying alongside the business park, for it to be located within the centre of that redevelopment area, and make provision for the rail line eventually to come back and join the freight line if that is what you want as a future outcome, from a planning perspective?

Mr Lumsden: If you wanted to do it in an ideal situation, the short answer would be yes. But we have had the same situation where the rail line did not go through the centre of Rockingham; there was a situation there. So it is similar to that in terms of, I suppose, putting aside the ideal situation and looking at a pragmatic approach with regard to the rail line there, and also the reservation and all those issues, and less impact on properties.

The CHAIR: Well —

Mr Lumsden: Yes, but one or the other would create an impact, I think you would agree.

The CHAIR: Except it might actually be more orderly management of the impact if you were to do it in the better location.

Mr Lumsden: But you still would then have to consider how you deal with the impacts of that proposal on current landowners.

The CHAIR: The difference between here and Rockingham is, when you look on the net, there is a valley, and you would have had to tunnel into Rockingham, whereas here you have what is essentially a greenfield site of semi-rural land, and I am sure you could do very quick business case

to show that it is not a cost impost on the state to relocate the station at the better location from a planning perspective.

Mr Lumsden: That may be so, but also I am looking at it from a total network point of view in terms of future uses, from my perspective, of the rail corridor.

The CHAIR: But there are plenty of options if you took it out to the preferred location —

Mr Lumsden: Well, there could be, —

The CHAIR: — to reserve a rail reserve coming out the other side —

Mr Lumsden: — and I cannot say there is not, because I have not examined it.

Ms McGowan: I think that is probably one of the things; with anything we do in the planning space or in any of the transport route planning, there is a raft of views on where the optimal location is and —

The CHAIR: But you were not given the option of looking at —

Ms McGowan: No, but we are working well within the options that were provided to us and maximising the opportunity that presents.

The CHAIR: In terms of the planning for Airport West, if there is not able to be secured a lease for the car park from Perth Airport, or the lease cost is too expensive, what is the alternative for providing parking at that location?

Ms McGowan: We have not gone into that, unless Sue has further information. We have not gone into that detail; that aspect is being worked through by PTA. We are certainly working on that whole precinct with the City of Belmont, because clearly having the potential for a station within about seven kilometres of the CBD in an area that the government does have control over—certainly the land down Brearley Avenue—we think it does present an opportunity to work toward some of our infill targets and create a really good example of transport-oriented development there.

The CHAIR: So you are working on the assumption that that land will be leased from Perth Airport in terms of —

Ms McGowan: I do not know. As I say, we have not got into that detail, unless Sue —

The CHAIR: Well, the plans you are using are based around that 500 bays being leased from Perth Airport, because it is on airport land, so I am assuming you must be basing it on that assumption and just working on the assumption that that will eventually occur.

Ms McGowan: Correct.

The CHAIR: Finally, just to finish off on the airport line and the planning for it, have you looked at the impact of the airport rail line on the Moore Street level crossing and whether or not that will need grade separation; or, if you close Moore Street, from a planning perspective what the impacts of that will be? Is that something you have considered yet?

Ms McGowan: No, that is just part of the discussion with PTA, but in planning at the moment, we are doing the higher-order planning for the area, not the detailed as to —

The CHAIR: But from the way in which the Perth city functions, once the airport line comes on, you will effectively close the Moore Street level crossing at peak times, so I would have thought that in looking at the planning implications of the railway line, the implications of that Moore Street level crossing closing would be a fairly significant issue that a planning authority would want to consider in terms of the plans for that railway line, would it not?

Ms McGowan: Certainly as the information goes up to the commission, the commission will want to make sure that we provide it with detail on any transport modelling and traffic modelling et cetera and how that impacts on the whole design and functioning of the area, so that is the normal process through which that would take place.

The CHAIR: Would you have the capacity to make it a condition of planning approval for the airport rail line that they would need to build a level crossing at Moore Street?

Mr Lumsden: The short answer to that, Mr Chairman, is we cannot make any agency do physical work. What we would ensure, in extension to what has just been said, is that if there was, for instance, to be a grade separation at the relevant reservation, to facilitate the grade separation that is provided. The actual construction funding is a separate issue for government.

The CHAIR: So as part of the planning approval, you might say, “We need to make the reservation for the level crossing”?

Mr Lumsden: We would seek advice from the Department of Planning, which we would obviously also discuss with the PTA, if there was a need for a grade separation or any other treatment of that intersection or that crossing, as you mentioned, that the current reservation of land could facilitate new treatment, if I can use that expression, and if that required an extension to the reservation, we would expect the Department of Planning to recommend to the commission that that should occur, and the commission would then consider that.

The CHAIR: Maybe you can take on notice what is the current reservation around Moore Street and whether or not it is sufficient for a grade separation.

[*Supplementary Information No A6.*]

Hon SUE ELLERY: I have some particular interest, I guess, in planning for school sites, and in particular in the kind of inner city, inner northern strip five or six cays from the CBD. One of the conversations we had yesterday in here with the Department of Education was around the possibility of the PMH site. That has been ruled out by the Department of Education—well, they say it has been ruled out, and I got the impression from them that it was not ruled out by them; it was ruled out by others. Are you able to tell me what the plans are for the use of the PMH site?

Ms McGowan: The PMH site is being managed through the Department of Lands’ surplus assets sale, so I cannot give you any information in general terms. We have been working with the Department of Education and the building management people in terms of identifying sites in our subregional planning frameworks. We have also identified what we see as the longer-term needs for school sites, and, again, in any of the considerations of land asset sales, we are contributing to there what we think opportunities might be or long-term strategic objectives in terms of transport, education, job creation et cetera. Tim may be able to add a little bit in terms of discussions with education, or is there anything else you can add?

Mr Hillyard: As part of the broader planning, the Department of Education has just opened some dialogue with the department as to greater interaction, if you like, and the planning requirements for their additional school sites, both in the outer developing areas but also the inner areas that are seeing higher population density and the need for backfill of facilities. That has only just commenced in the last few months.

Hon SUE ELLERY: I am interested in that because certainly in terms of the expanding metropolitan area and our population changes over the last five or so years, it surprises me that you say that communication has only just begun with the Department of Education. Prior to the contact in the last couple of months, what was your relationship with the department over their future needs in respect of schools?

[10.30 am]

Mr Hillyard: The recent contact that has come in is actually just about how we can work together about the acquisition of the land ahead of time more fully through the Planning Commission et cetera. The Department of Education and the Department of Planning have always worked together and reported to the Planning Commission through all of the—whether it be the previous

structure plans for each of the corridors and currently in the planning frameworks. It is not correct to say that we are only just talking now; that is about the acquisition of specific sites.

Hon SUE ELLERY: For a particular purpose, generally?

Mr Hillyard: Yes, as opposed to broader planning and the provision of the numbers, because the Department of Education do actually provide the forecasting numbers back to the department and then they get fed into the planning frameworks for then spatially identifying those areas. In the metropolitan area there is a reservation specifically for high school, but in fact the Planning Commission has never been involved in the acquisition of school sites specifically. That was always done directly by the Department of Education. Now we are looking at integrating that. Also, primary schools were always provided out of the subdivision process, and that has changed a little with the arrangements now for developer contributions. It is more that broad-based planning knowledge which has been ongoing, but the actual specific acquisition we are now looking at.

Hon SUE ELLERY: I do not know if this is a question—I know the commissioner wants to add something, and I will allow you to do that in a minute, through the Chair, of course. I am just trying to figure out if there has been any change in the reservation size that we are talking about for schools? Is it four hectares?

The CHAIR: It is four hectares; three and a half if it is shared.

Ms McGowan: In a general sense, there has not been anything formal, but in some of the discussions we have been having with the Department of Education we have started to talk about whether in fact you look at different options in the future and, for instance, Ms Burrows and I were in Vancouver earlier this year, and they tend to have a policy that their schools are five storeys high and on a much smaller area. Clearly, as land becomes more constrained over time —

Hon SUE ELLERY: That is also a function of their weather.

Ms McGowan: It is a function of their weather as well, yes.

The CHAIR: Is that both primary and high, or just high?

Ms McGowan: That was primary schools. I think, as we move into what we are trying to achieve with Perth and Peel@3.5 as a more compact, connected city, I think the better we can maximise available land, the better off we will be, but without compromising some of those elements of the lifestyle that we do value. Certainly, we have started the discussion around, and it is not exclusive to, education. It is for a whole lot of purposes. People always assume you need a maximum area of land, rather than what can you actually realistically construct on it. I think the chairman just wanted to add something.

Mr Lumsden: Yes, just two points—firstly, in terms of Princess Margaret Hospital. It has been said the Department of Lands is leading those land asset matters, and the Department of Lands does do some extensive consultation with the Department of Education, but that is through the Department of Lands. The second point I would make is in terms of the primary schools, or high schools, for that matter. In the development of the draft regional frameworks, which also includes the central area framework, there has been extensive consultation and input by all the agencies, including the Department of Education. We have also, over a period of time, through the Department of Planning and through my own office, indicated to the Department of Education the need for more, probably, planning, having regard for demographic changes, and on top of that, notwithstanding demographic changes, looking at models for the use of school sites so that whilst a school may be developed, over time you have a cycle—it is cyclic—so the school population goes down, which we have seen in Perth; then, as redevelopment occurs or other trends, it goes up again. So, looking at a better, I suppose, development model for primary and high school sites, I think that is something that we need to take on further in the longer term, so we build in flexibility into our planning outcomes to meet the changing demographic needs of the community.

Hon SUE ELLERY: Bear in mind we have got Lands coming in in a couple of hours today, so I will be having a chat to them about this stuff as well. But if I was looking for a list of government-owned land at or about 3.5 to four hectares, within seven kays of the CBD, would I ask you for that or would I ask Lands?

Ms McGowan: You would ask Lands.

Hon SUE ELLERY: Okay; well, I will then. Thank you.

Mr Lumsden: And also, having said that, to be fair, I think Mr Hillyard has been involved in assisting the Department of Education where they have had what I will call immediate demands, and Mr Hillyard has been looking at commission assets as well as other proposals to facilitate outcomes for the education department.

Ms McGowan: He could probably, off the top of his head, rattle off every site.

The CHAIR: Off you go, Mr Hillyard. The pressure is on; the expectations have been raised!

Mr Hillyard: It depends where you want a school. You have got to ask the question first. I think the issue is that across government systems there are very good geographic information systems that we have got available to us, and they all work upon the base information from Landgate, the cadastral information, and then our other data sets. The Lands people will be able to advise you of that. Within the Department of Planning we have that base information available to us and we have a whole load of data sets that enable us to identify private land, government land et cetera at a coarse level, and then fairly quickly work down, and we can inquire by area, location et cetera, and then we have always got access to all of the available servicing information. In a fairly short time we are able to weed out a number of sites that are not suitable, but also a number of sites that are suitable, and then working with our planners through the existing planning frameworks as well, we are able to check and distil down to a number of sites fairly quickly that might meet the requirements of any particular government agency for a particular work, without needing to look to private land to acquire, because, of course, that is the principles; you would always look to public land to use first, and then private land only as a last resort.

Hon SUE ELLERY: Well, you dashed my hopes, because I thought you were going to say, “And off the top of my head I know that these four government-owned buckets of land are available.” But if you are not able to do that, I will direct that question to Lands.

The CHAIR: Are you able to give us a list of within, say, the City of Perth and the City of Vincent, the commission-owned land—where you own land of more than a hectare on a site?

Mr Hillyard: Yes.

[*Supplementary Information No A7.*]

Mr Hillyard: All the Planning Commission lands we can separately identify on a plan. What we also do is have the underlying requirement for that land, so if it was acquired for a widening of Lord Street or whatever, that is still there, and then if there is any surplus land to the side of that, so where a whole property has been purchased as a result of the land owner requesting it, and where the surplus land might be available after maintaining it for the metropolitan region scheme requirement. But, of course, from time to time the MRS changes—a decision is made to abandon a reservation et cetera. Then that whole site might be available, and that is what we keep putting back into the planning frameworks to see whether they are required by government.

The CHAIR: For each of those sites, could you give us a breakdown of the purpose and whether it is still required and all of those details that you have just talked about that you have for each of these sites?

Mr Hillyard: Possibly by exclusion, maybe if I provided what is surplus, because otherwise it is required.

The CHAIR: Yes. Obviously, if you have got a road reservation that is still required for a road reservation, there is no point in providing that, but the surplus land. Is it just the Cities of Perth and Vincent?

Hon SUE ELLERY: Yes, I think so—unless we went to Cambridge maybe.

The CHAIR: Cambridge and Subiaco.

Hon SUE ELLERY: Add Cambridge and Subiaco. Thank you. Can I ask about progress on Subiaco Oval and plans therefor?

Ms McGowan: We are not directly involved in Subiaco Oval at this stage in terms of any future decisions.

Hon SUE ELLERY: The annual report refers on page 32 to the Perry Lakes redevelopment project. Are you able to give me more information about progress on that? How many lots were sold in 2014–15 and 2013–14, if you are able to? Do you have lots that remain unsold and what is the current status of—I had written “relationship” but perhaps I will use “agreement”, between the government and the Town of Cambridge for the transfer of land and cash?

Ms McGowan: I can certainly help you with the last part of the question or have Tim talk through our process there in terms of the Perry Lakes act. We have not been responsible for the actual sale. That is something that would be need to be directed to LandCorp. In terms of where we are at with the normalisation and the finalisation of that project, I will just ask Tim to give a bit of an overview.

Mr Hillyard: Certainly. The metropolitan region scheme needed to be normalised along with the local planning scheme. The department has been in discussion with the Town of Cambridge for them to amend their local town planning scheme now to normalise the Perry Lakes project, which is now finalised. The last three lots that were completed have now been transferred to the Town of Cambridge, and upon the rezoning of the land at their local scheme level, then there will be a cash payment made to them to equalise the original commitment to bring it up to \$50 million.

Hon SUE ELLERY: Okay. If I can move on from Perry Lakes to —

The CHAIR: Sorry; at what point will the land be valued?

Mr Hillyard: It has already been valued.

The CHAIR: Right. So that is now fixed, that land value.

Mr Hillyard: The land value is fixed. The valuation was provided to the Town of Cambridge. They got their own valuation and that has been resolved.

Hon SUE ELLERY: I wanted to move back more to governance issues of the agency. Page 22 refers to an internal audit, and specifically three audits one on gift registry, hospitality and lobbyist; one on ministerials; and one on the commission’s delegations to the department staff. Are you able to tell me anything about the reason for those audits? Was there a particular issue that triggered a decision that an audit needed to be done, and what recommendations arose from the audit and where do those recommendations sit now?

Ms McGowan: Broadly speaking, we have an audit and risk management committee, and that committee, in effect, agrees on the things that should be audited. With relation to the gifts registry, hospitalities and lobbyists, it was probably something I specifically asked for when I started at the department, and that was primarily because there had been a lot of coverage in the eastern states with the ICAC inquiries et cetera and the vulnerability of planning and our officers.

Hon SUE ELLERY: We did not have the Rum Corps here, so I think that has made a fundamental difference to our culture.

Ms McGowan: But, nonetheless, I just thought it was a prudent thing to do. In general terms, I think the audit found that our controls were generally good, but there is always room for

improvement and it is something we have been focusing on in terms of just making sure that our policy of declining gifts, where appropriate to do so, in line with public sector requirements, is done, and everything else is duly registered. We have also adopted the practice of also registering those things that we decline as well as that we accept, because that is just a focus there. Ministerials—again, we have generally met our time lines. We occasionally get bubbles, as everyone does, in terms of ministerials coming through, so I think the same outcome was good. The delegations to DOP staff—I think the chair and I had discussed that one, and I think we had both agreed that was important because we have had a couple of significant sets of delegations to staff with the implementation of planning reform phase 2, and we wanted to make sure that was being well managed. There were no major concerns identified. The last significant gazetted delegations to staff for planning reform phase 2 came in, I think, the middle of October—was it October?

Mr Hillyard: Yes, 16 October.

[10.45 am]

Ms McGowan: Some of the communication to staff about the revised delegations could have been improved, so that has been picked up on. What was happening there was we identified that some staff, rather than going back and checking on the delegation, were doing what their predecessor had done, so we have just tightened that up, broadly speaking. I do not know if the chair wishes to add anything.

Mr Lumsden: Only that I have stressed that staff can operate only within the premise of the delegation, and the commission expects strict adherence to those delegation parameters.

Hon SUE ELLERY: Thank you for that. Can I ask you about DAPs?

Ms McGowan: Yes.

Hon SUE ELLERY: I declare an interest. I was contacted for assistance by the Alfred Cove group, Striker Balance. I provided them with advice and assistance during the course of their concerns. I note, obviously, that the uniform legislation committee has tabled its report. I would invite any comment about what changes or things you found positive out of that report and whether you think there are things that you can do better. The greatest frustration for people—the really big frustration for people—is when they feel they have no voice. The structure of that process effectively eliminates their voice. There are sound reasons for the structure of the process, but if we take people's voice away, we are constantly going to make what could be a small problem 1 000 times bigger because their frustration about not having a voice will magnify every decision that is made, whether the decision is sound or not. I would welcome your comments on that.

Ms McGowan: That was canvassed quite extensively with the committee, and I think, on balance, they did not recommend changes in that regard. It comes back to a couple of things, and I can certainly appreciate the frustration of people. We are anticipating that some of our changes to the local planning scheme regs and the deemed provisions and the more regular updating of schemes will to some extent address some of the issues, because a lot of concerns seem to hark back to people not realising that engagement has to happen when the local government is developing its strategies and schemes and advertising those, and we reiterate each time that the DAPs can only stand in the shoes of the decision-maker, whether that be the local authority. It is also worth noting that in the financial year ended 30 June 2015, I think we had 268 applications totalling over \$7.5 billion. The occasions on which you end up with what I would call a really hot issue in a local community are relatively few in number compared with the overall number of DAP decisions.

Having said that, a couple of the things that have come out of that process is we have indicated that we will give consideration to where a development assessment panel or a joint development assessment panel makes a decision that is contrary to what is recommended and detailed in the responsible authority report, and then looking at whether some more rationale for that decision can

be included. That does have some potential knock-on effects because the expectations on presiding members in terms of the time it takes has been a point that has been raised, and the appropriate remuneration. We have also continually provided—we had put this in train before the committee considered the issue—additional training for DAP members. The question of compulsory training came up, and that was not supported by the committee, but we see that need for fairly regular and ongoing training. I also meet now at least twice a year with the presiding members and specialist members of development assessment panels. As part of that process, we remind them of their obligations in terms of conflicts, and I think one of the other issues was the extent to which DAP members take off the DAP hat and act for proponents in particular areas. That is something that needs to be managed. The challenge again there is that we do have a relatively small pool of specialist people available for this sort of work, so that has to be balanced.

The final comment I would make is just to acknowledge that in the property council's assessment report, WA continues to be up there—I think we just dipped out to the Northern Territory this year—in terms of the system that is most efficient, and it is primarily off the back of our development assessment panel process; so acknowledging that there are local issues from time to time.

Hon SUE ELLERY: I am sure the property part of the world is quite happy with the system.

Ms McGowan: The other thing that came out of the report was tracking of any complaints. But, more often than not, there are two issues. One is where someone does not agree with a decision, is that a complaint because they did not get the outcome? The other aspect of that is equally when something then goes off to the State Administrative Tribunal and the process from there, which is probably something that goes into a quasi-judicial process, and we are not able to control that. The chair probably has some comments, or Sue.

Ms Burrows: If you look at the DAP process, it more or less replicates the local government process as it used to be in that the application is advertised, the officers of that local government write the report, or it goes through their council, and it is presented to the DAP. The DAP must make its decision on the rules of the scheme or the policy, and that includes the council members as well, and then it goes to the SAT if there is an appeal over that decision. So, it is exactly the same process. What is critical when there has been community involvement is to get that strategic planning and schemes amended and that conversation with the community upfront going forward about their area in terms of the type of development or requirements around those developments. If that is in the scheme through appropriate policy, the DAP is bound to consider that. If there is discretion, yes, the DAP can use that discretion, as can a council. In the council days, too, when they did it, it was more or less the same outcome. Communities were upset, and it went to appeal, or even if they refused it, and the applications were approved. We are working more on that communication aspect and understanding amongst the community.

Hon SUE ELLERY: I think that is really important. While the number of contentious issues might have been quite small in the scheme of things, and that is a good reflection on you, the actual number, given what we are dealing with, is a bit irrelevant. It is people's homes, and they feel deeply, deeply emotionally connected to it, and of course it is their biggest asset. So while it might be right to say, "We dealt with this huge number and the vast majority of them were fine; here are three or four small items where it got contentious", for those people, that is their whole world. So, anything we can do to improve communication about people's rights and obligations and assist local government to communicate more openly about this, we need to do it, because for those people caught up in that instant right then, it shatters their entire world.

Ms McGowan: I do not disagree with that. As Ms Burrows said, those same sorts of people dissatisfied with an outcome can equally happen with a local government decision, and I think we lose sight of that occasionally, too.

Ms Burrows: Or did previously when local governments made these decisions.

Hon SUE ELLERY: I understand that.

Ms McGowan: Eric, did you want to add anything extra?

Mr Lumsden: Yes. As you would be aware, honourable member, I did attend that hearing, and I made a recommendation that the DAPs should give reasons for their decision, particularly if they modify a recommendation of the respondent, if that is the council, or go against the recommendation. I think my disappointment in the outcome of the hearings was exactly your point—that is, I think there was an opportunity to give the community as well as councils a better understanding of when discretion is used and how discretion should be used. I made that point. As Ms Burrows and the director general mentioned, these issues have probably been elevated in the public arena because they are larger developments. But I have many issues raised with me by proponents who are also dissatisfied with the processes of council. The bottom line is that the council or the development assessment panel or the commission or the State Administrative Tribunal is not unfettered in its discretion. The principal instrument is obviously the planning scheme of the local government and the provisions of that scheme. A lot of the provisions of the council scheme are very silent on use of discretion other than council can use discretion.

The CHAIR: But there has been a history of how discretion should be used, having regard to the circumstances in which the scheme was developed. I do not know about Alfred Cove, but in South Perth, where you have height limits of eight to 12 storeys and you are suddenly approving 29, can you explain to me how that is using discretion in the traditional ways that councils were expected to use it?

Mr Lumsden: I do not know the detail of that, but I do know also that on that development, the council officers did recommend approval. Having said that, one of the issues I was trying to get at is that that could have been extracted more, I think, from the hearing in terms of those issues that the honourable chairman has raised. There is a view in Planning—this has been a long-time situation—that if members of the community object, there is an expectation that the council or the development will refuse it. That is not the correct role of a planning authority. The correct role is to certainly consider the representations made in an appropriate way, without fear or favour, and in the balance consider all issues, and then make a decision. Obviously, whether it is the commission or the development assessment panel or a local government, if the authority issues a refusal, it can go to SAT, and SAT will follow the same process. Not all community groups get access to make representations. But what I do encourage—we have introduced this even in the commission—is that people have a right at any level, whether it is the council or the DAP or the commission, to make a deputation and put their points of view, and the people around the table should consider those points of view, but also all points of view. I think that needs to be understood, because if we get to a situation where just because a community group in their minds may validly have some concerns, the application is refused, you are not going to get many approvals at all, quite frankly. I think there needs to be education of the parameters of decision-making, because at times there are challenges. Even SAT should not have that discretion. Quite clearly, it is a division of the Supreme Court of Western Australia. It is like saying if a District Court makes a decision, it should not be appealed to the Supreme Court.

Hon SUE ELLERY: I understand the point you are making.

Mr Lumsden: I think it needs better education. I also make the point as did the chairman that I think we need to develop a clear process on not only when discretion is used but also how it should be used in the elements.

The CHAIR: What are the parameters for using discretion and in what circumstance?

Mr Lumsden: Yes, that is right. Some schemes spell it out in quite some detail, and others are very silent, like one clause. That is all I wish to add.

The CHAIR: I was going to raise an issue as a good example in my electorate. Whitfords shopping centre wanted to expand. Statement 4.2, I think it is, requires an activity centre structure plan to be in place to allow that expansion beyond the previous caps. Whitfords—and correctly so, in my view, without getting into the issues about whether or not you have any power to enforce the structure plan for the activity centre once it is in place—was told to go away and get that activity centre structure plan in place. Go down to Karrinyup, the Karrinyup redevelopment was approved and, as I understand it, opposed by the local authority for this very reason, because there was no activity centre structure plan in place. That now has a significant impact not just on the development but on the ratepayers, because they will now have to pick up a whole range of costs in terms of potential issues such as roadworks and the like, but if the structure plan had been in place, you could have made it a condition that the developer fund them. I cannot understand how it was so inconsistent in the way in which Whitfords was treated compared with the way Karrinyup was treated.

[11.00 am]

Ms Burrows: They were the same type of application—the same policy. With respect to the Whitfords one, yes, it was that we needed an activity centre structure plan and they went through that process, and there were also issues with the Joondalup scheme, which had caps in it. A number of processes had to occur before the development application could be considered. With respect to Karrinyup, there was a case there in the policy of exceptional circumstances, because there was an absence of an activity centre structure plan per se, but there were components of what you would require for an activity centre plan. When the DAP considered that, one of the prime things they had to consider was what amounted to exceptional circumstances, and I believe the DAP went through that process. With respect to the traffic management requirements and conditions, I believe the DAP spent a considerable amount of time working through Stirling's conditions on that. It still went through that process of consideration. Whether it was adopted at the end of the day is a different question. It was whether the DAP at that time felt it was justified.

The CHAIR: But with all due respect, if people start giving that sort of interpretation to exceptional circumstances, if I was a local government, under the current DAP system, I would be starting to try to amend all of my schemes to remove terms like “exceptional circumstances” or even “discretion”, or very narrowly define “discretion” in their scheme so they can stop DAPs actually taking this broadbrush approach. Sorry; I do not accept that there were exceptional circumstances. If it requires an activity centre structure plan, to treat the fact that there is not one there, even though the developers knew that was always part of the requirements to get the approval, they should have been working on getting the activity centre structure plan in place.

Ms Burrows: Exceptional circumstances is actually in the state planning policy; it is not within the Stirling scheme, so that was applied and considered. There were also zoning requirements around the site.

The CHAIR: Whose responsibility is it to do the activity centre structure plan?

Ms Burrows: It is either the developers or the local government.

The CHAIR: How is it that, if the developer has not done an activity centre structure plan, that is an exceptional circumstance to avoid having to meet the requirements of SPP 4.2? It makes a nonsense of your own statement of planning policy. You are saying, “Developer, you need to do an activity centre structure plan”—this is a big development—“but the moment someone comes to us, we will say, ‘Exceptional circumstances; you don't have to do it’.”

Ms Burrows: Mr Chair, with respect, it is a little bit more complex than that. The requirements about some plans were done. Whether that was acceptable, the DAP considered a number of factors with respect to Karrinyup and the problem with the time delays with respect to assessment of certain documents. Was the documentation suitable for assessment of that development application?

There were a number of factors. I cannot go through them, but they were quite well documented when the DAP considered its decision on it.

Ms McGowan: Just noting we cannot direct the DAP in that.

The CHAIR: Yes, I know. I understand you cannot direct, but it is about the structure and the system of what is occurring, where people cannot see that consistency has been applied. The fact that there are elements of the plan in place should make it easier to put together an activity centre structure plan. My problem with these things is that if you start to allow that sort of discretion to occur, you actually open yourself up to corruption, either processed corruption or actual corruption. That is what happened in Sydney. They got to a point where discretion was used all over the place and there was corruption across the political spectrum at various times.

Ms Burrows: I think the report to the DAP clearly outlined the history and the reasons for why that would be considered as exceptional. It quite clearly outlined the reasons for —

The CHAIR: The report to the DAP from who?

Ms Burrows: To the DAP, which is a public document.

The CHAIR: From who?

Ms Burrows: The Department of Planning, and there was the City of Stirling.

The CHAIR: But the City of Stirling one outlined a clear argument for why things needed to be put in place.

Ms Burrows: Yes, and the DAP took that all into consideration.

The CHAIR: Just to finish off on the Karrinyup one, is it a condition now that the developer has to make an annual contribution to public transport—to the PTA—to fund the bus service?

Ms Burrows: I would have to take that on notice, but look at the conditions of the approval. It will be all in the conditions of approval for that development that is public information.

The CHAIR: Maybe you can take on notice for A8 whether that is a condition. Also, in terms of a development of that style, as opposed to a greenfield development where you might fund the early implementation of buses until the development is up to a certain level, is there an example of that occurring anywhere else in Perth where a developer has been required to make a contribution to public transport, or is this a new method of effectively value capturing that we are going to see occurring? You can either answer that now or take it on notice as part of A8.

Mr Lumsden: Yes, that has been done before not only by the commission, but also by local governments as a condition of development.

The CHAIR: For a shopping centre?

Mr Lumsden: Yes.

The CHAIR: Where else has it occurred?

Mr Lumsden: I stand to be corrected, but certainly at Midland and Garden City.

The CHAIR: And then it is an ongoing annual contribution?

Mr Lumsden: It will depend on the condition as recommended, but it could be for a first stage or it could be ongoing, and that could be linked back to supporting the public transport system in terms of connectivity, rather than having X number of car bays—instead of having a thousand. It increases the operations of public transport.

The CHAIR: As part of A8, could you give the other examples of where that occurs?

Mr Lumsden: Yes, sure.

[*Supplementary Information No A8.*]

The CHAIR: Did Hon Alanna Clohesy have a quick question?

Hon ALANNA CLOHESY: I might put mine on notice in view of the time.

The CHAIR: What I was going to suggest was, in light of the way it has gone this morning, if you are all able to stay, we might just continue in the same way with the WAPC after 11.15 am. If everyone is happy, that might make it easier. We will take a break until 11.15 am.

Hearing concluded at 11.06 am
