

Legislative Council

Hansard

Wednesday 27 November 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

LAND USE PLANNING AND APPROVALS AMENDMENT (SUPPORTING DEVELOPMENT) BILL 2024 (No. 49)

Second Reading

[12.38 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the bill briefly. I appreciate the contributions of other members that have been more detailed, particularly from those members who do have local government background and can bring that to bear in reflecting on this bill and the matters that are in it for us to consider. I found it very useful to hear questions from members who are from local government backgrounds. I particularly appreciated the questions raised by the member for Elwick and the answers that came back in response to those. That was helpful in structuring the thinking here.

I acknowledge the issue that the bill is put forward to address - that there may be times that extensions may be warranted and necessary for certain developments to go ahead. It is all about how you then, appropriately, put a solution in place to address that issue. I think that is the one we are all grappling with here to some extent.

I will always bring a sceptical lens to the idea of putting power in the hands of the executive and in the hands of a minister to make decisions on matters that should have a democratic element to them and should, perhaps, be placed, instead, with another level of government or in another circumstance that has more accountability around it.

The thing that disturbs me to some extent here is that we are giving this decision power to the minister on the basis that the minister is satisfied that, due to the technical or complex nature of a proposed use or development, the extension is warranted. That is all well and good. We heard in our briefings that the minister may well consult with others in making that decision, including the local council that is relevant to the specific instance that the decision is being made about; may well consult with the planning unit and the department; or may well consult with whomever. However, there is no requirement the minister consults in this. There is no requirement that the minister actually provides some form of accountability around the decision made in terms of the assessment, that there was a technical or complex nature that warranted the extension.

I find it difficult to place a particular sort of power in the hands of a minister here for a decision that then has no accountability around it back to the community - potentially by the parliament to the community, but to the community.

That is problematic in my mind. In the area of planning and property development matters, there is always a real risk regarding the health of our democracy and the health of accountable good governance decision-making. In a state that still does not have appropriately

rigorous political donations laws, for example, and those sorts of accountabilities, it is always going to be something to be very mindful of that we add to the potential risk of healthy democracy and no undue influence on decision-making from vested interests.

If we are placing more power in the hands of a minister to make a decision then we are placing that power into the hands of a person who can well be perceived to be at risk of being influenced unduly by vested interests, that is problematic. I am interested in the suggested amendments mooted by the member for Elwick, which look to potentially put the decision making back to the local council - which presumably made the two preceding extension decisions - and add this extension decision to that same decision-making body as the planning authority.

I will be interested in the Leader's summing up. I have not heard a good argument as to why, other than the poor councils are very overworked and we are not going to give them an extra job. Other than that reason, I have not heard a good reason that it should not sit back there where those three previous decisions were made, because the original approval was done at that level - and the first extension, the second extension, and this would be the third extension. I did not think to ask in the briefings, whether there were no other potential options explored. Is it just we should make these extension periods longer, full stop? We could still have two of them only and for a longer period.

If we made them three years each for this, the first extension, the second extension, it takes us to the same number of years overall that this third extension takes us to.

There might well be good reasons that is not an option. I did not think to ask in the briefings whether that was considered. This would then not put in an extra decision-making point; it would just slightly extend the options already there for extensions and accruing more time for developments to begin commencement. We know there can be real issues like supply chain issues, particularly post-COVID. If more time was issued, perhaps extending the two periods of extension out to three years instead of two would have us to the same point. I do not know.

I am sceptical about the bill as it is presented. I am interested if we go into the Committee stage to consider amendments.