

## Legislative Council

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### DEVELOPMENT (MAJOR DEVELOPMENTS) AMENDMENT BILL

The Hon. A. BRESSINGTON (20:37): I indicate that I will support the Hon. Mark Parnell's Development (Major Developments) Amendment Bill. This is a relatively minor amendment to what is comparatively an extensive act, which seeks to require the minister to consult with the local council before declaring a development a major development under section 46 of the Development Act 1993. That the local council be consulted prior to a declaration being made should be, to my mind, due process, especially considering that it is the council that is required to service the facility once the development is complete. It is local councils that are charged with developing the area's development plan and consequent zoning, and to bypass this and make a declaration without consideration is unnecessarily impetuous.

While I recognise that the local council, along with other stakeholders, is given the opportunity to put forward its position under the consultation required by the environmental impact statement process, specifically by section 46B(5)(a)(ii), and required to be kept in the loop by the minister under section 46B(12), this opportunity follows the declaration by the minister. Logic and past examples show that, if a council is to have a meaningful impact on the trajectory of a major declaration, consultation must come prior to the minister publicly committing himself or herself.

However, with that said, I question what practical effect this amendment will actually have. I cannot recall a declaration that has not been opposed by the local community, at least in a minor way, earning the major development provision the deserving reputation of the unstoppable bulldozer.

As the honourable member made clear when introducing this bill, a declaration under section 46 is solely at the discretion of the minister, requiring only that he or she be satisfied that the development is of 'major environmental, social or economic importance'—a purely subjective assessment. While I am sure scenarios can be envisaged in which the minister has overlooked some crucial detail and, when alerted by the local council, the intention to declare is altered or withdrawn, under the aforementioned subjective requisites I find that I am not so imaginative.

The member also made clear that a declaration under section 46 is, by the indemnity provided by section 48E, 'bulletproof'. While I am not suggesting that for this reason the minister will not comply with the amendment, I do fear that, due to the ambiguity of the proposed amendment, particularly on what form the consultation must take and the weight to be given to it, it may simply be a 'call to the mayor' or a basic letter of intention. This may be viewed as insufficient by a court but, due to section 48E, we will never know.

However, despite these reservations, I support the bill, and it is my hope that, if it is successful, the minister will comply with the full extent of its intent.

Debate adjourned on motion of Hon. S.G. Wade.