



**State Administrative Tribunal
Conference to mark 80 years of Town Planning
Law in Western Australia**

The Importance of Town Planning Law

Address by

The Hon Wayne Martin
Chief Justice of Western Australia

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Introduction

I am honoured to have been invited to address this conference convened to mark 80 years of town planning law in Western Australia. I would like to congratulate Justice John Chaney and the State Administrative Tribunal for having conceived and organised this important event.

As is my usual practice, I would like to commence by acknowledging the traditional custodians of the lands on which we meet, the Noongar people of south-western Australia, and by paying my respects to their Elders past and present. Given that we gather to talk about legal measures that facilitate the better use of land, it is more than usually appropriate to acknowledge the Aboriginal custodians. They were stewards of these lands for at least 60,000 years before the first boat people intent on settlement arrived in 1829. If one compares the current condition of the land and the countryside with its condition in 1829, it is clear that we recent arrivals have a lot to learn from Aboriginal people about sustainable land use and respect for the environment.

It took the colonists about 100 years after settlement to realise that their cultural deficiencies in relation to land use and planning for land use necessitated a legal regime under which such things could be closely controlled. Eighty years later it is, I think, apparent that those controls have been, at best, only partially successful in optimising the abundant natural advantages provided by our environment, and until very recently, quite unsuccessful in protecting that environment. In the words of Professor Julius Sumner Miller "Why is this so?"

However, before addressing that question, it is appropriate to first address the history of town planning.

The history of town planning

Given that this conference is being held to commemorate a milestone in the history of planning law in Western Australia, it is appropriate for me to commence with some observations about that history. However, I would like to set my observations about that history in a broader temporal and geographical context partly because it enables me to identify one of the recurrent themes of this address. I do so by going back to the ancient historical link between the city and the political model which uses the rule of law to ensure peace and order within the city. This linkage is best exemplified by the city state of ancient Greece, exemplified in the Greek word "*polis*", from which our word "politics" is, of course, derived.

In his book *Space and Power* (2005), John Hirst described the Greek polis as:

"A self-governing community in which the ruling citizens have effective control over every aspect of their public lives. The city is identified with freedom: as Aristotle says, the citizens govern and are governed in return ... despite modern liberalism's invention of the liberty of the moderns as freedom in private life, we have never lost our aspiration to this aspect of ancient liberty as collective control."

The contemporary theme which I extract from that description of the city is the need for the law in general, and planning law in particular, to provide the means whereby the community, or *polis*, can exercise collective control over its own destiny. Good planning law should

provide the means by which the community can express and implement its collective view about the places and spaces in which the members of that community live. Conversely, bad planning law is autocratic or despotic and empowers individuals or powerful groups to impose their ideals upon the community.

I digress to note that the second recurrent theme of this address is also found in John Hirst's work, when he observed:

"Spaces have characteristics that affect the conditions in which power can be exercised, conflicts pursued and social control attempted."

Or, as I would put it, the configuration of spaces and places in any community will profoundly affect the culture, ethos and social characteristics of that community. Tangible measures of the effect of planning are available in a number areas, including my own field of particular interest, the justice system.

Returning to the topic of historical context, town planning probably goes back at least as far as Greco-Roman days. Washington DC is a prime example of a city designed in the late 18th century according to town planning principles. Its designer, Pierre (Peter) Charles L'Enfant was a French born architect, engineer and city planner who first arrived in the colonies as a military engineer with Major General Lafayette during the American War of Revolution. In 1791, President Washington commissioned him to plan the layout of the new capital. His design incorporated avenues radiating out from rectangles, providing room for open space and landscaping. Interestingly, his design also envisioned a garden lined "grand avenue" approximately 1.6 kilometres in length and 120 metres wide in the area that is now the National Mall around which

the various buildings of the Smithsonian Institute, the Washington Monument and the Capitol building have been constructed.

In 1792, L'Enfant had a falling out with the commissioners who had been appointed to oversee the construction of the new city, and was dismissed by President Washington. He was not paid for his work, fell into disgrace, and spent much of the rest of his life trying to persuade Congress to pay him the amount he claimed was owed. Eventually, Congress agreed to pay him a small sum, nearly all of which went to his creditors. He died in poverty. Walter Burley Griffin might have done well to heed the lessons of history before he accepted the brief to design Canberra, as, of course, he too was sacked by the Prime Minister.

Nor does the application of sound town planning principles require a green fields site. Urban renewal has been around for a long time, sometimes assisted by calamities like the great London fire, the San Francisco earthquake, or the bombing raids of WWII. During the 19th century, Baron Haussmann (who incidentally trained in law) (and who wasn't really a Baron) showed what could be achieved by the application of town planning principle even in a well developed and ancient city like Paris. And like Washington, a characteristic of Paris is, of course, its grand avenues and boulevards which encourage pedestrian movement and provide an ambient environment for social interaction between the citizens. This is a topic to which I will return.

In Western Australia the notion that the use and development of land should be controlled by law was, like so many legal notions, initially derived from the United Kingdom. As Sir Desmond Heap points out in his monograph *An Outline of Planning Law* (1986), the more

contemporary impetus for town planning, and for the legal mechanisms to enable proper planning to occur, came from the industrial revolution. The invention of machinery at a time of substantial population growth in England led to a general exodus of population from rural hamlets and villages in which they were largely engaged in agriculture, to rapidly expanding and over-populated towns. As Heap observes:

"Congestion and over-crowding in the towns were rampant and cheap, insanitary dwellings were hurriedly erected, sometimes in the shadow of the factories themselves, in an effort to provide shelter for all. The erection of the new buildings was not subjected to supervision or control by local authorities, for such things as building by-laws did not exist, and the new dwellings in consequence were built in close and unregulated proximity with little or no regard to the requirements of proper ventilation and sanitation."

Sir Desmond Heap identifies the UK *Public Health Act* of 1848 as the first legislative instrument which provided the capacity to "prevent a repetition of the building horrors which followed the rush to the towns during the industrial revolution". That legislation was followed by legislation dealing specifically with housing and building and ultimately, in 1909, by the Housing, Town Planning, etc Act. This was the first British legislation dealing with town planning.

Western Australia

There was no Western Australian legislation on the subject until the passage of the Town Planning and Development Act in 1928, although the Bill for that Act had been presented to the Parliament nine years earlier in 1919. It is the passage of that Act which this conference

commemorates. By the time it was passed, it had been modelled on New Zealand legislation of 1926. It introduced the notion of the "town planning scheme" which enabled a local government to promulgate a scheme for the planning and regulation of land use and development, together with the reservation of land for public use. Other aspects of land use and development were reserved for control by State government, including the subdivision of land into smaller parcels and the laying out of roads. This segregation of the control of different aspects of planning and development of land continues today. The subdivision of land and the laying out of roads remains the exclusive province of State government, whereas the planning and development of land is (generally speaking and subject to some supervision) the province of local government. I must confess that I have never understood the policy rationale justifying the separation of responsibility for controlling the subdivision of land from the responsibility for controlling the use and development of land. I would have thought that they were two sides of the same coin. But the segregation persists.

Following the second World War, it was decided to locate a substantial industrial complex around an oil refinery and steel mill which were to be built at Kwinana by BP and BHP respectively. A road was needed to connect the industrial complex to Perth, and the notion of a Perth "freeway" was born. As Justice Michael Barker has pointed out in his paper "How Planning and Environmental Law has Shaped our Cities" (2007), the creation of the Kwinana industrial complex and the need to plan a freeway necessitated a regional plan for Perth. Professor Gordon Stephenson, Professor of Civic Design at the University of Liverpool was engaged to prepare such a plan, in conjunction with Mr Alistair Hepburn, who was then the Commissioner for Town Planning.

The Stephenson-Hepburn Plan

The Stephenson-Hepburn plan was released in 1955. The greater availability and affordability of motor vehicles following WWII had a major impact on their plan, which was structured around eight regional highways linking suburbs in which people would be housed on separate lots. While one can understand the circumstances and forces which led to the creation and adoption of such a plan, and while it has been popular to revere Stephenson and Hepburn as men of vision, it seems to me that hindsight reveals a number of serious flaws in their plan.

Two of the regional highways they proposed were a highway linking Perth to Kwinana - the Kwinana Freeway, and the highway linking Perth to Yanchep - the Mitchell Freeway. These highways were to be linked by a bridge to be built over the Narrows, with an associated interchange on land reclaimed from the Swan River. In addition to the reclamation of a large amount of river adjacent to the central business district for the freeway interchange, this plan resulted in the bisection of that district from West Perth, when it had already been bisected from North and East Perth by the railway line. This plan also resulted in the destruction of almost all of a building which was very significant in the architectural heritage of Perth - the Pensioners' Barracks building, constructed by convict labour to house the "Pensioner" Guards who were sent to guard the convicts who had been transported to WA. Strident public opposition to the demolition of the Barracks was to no avail. Only the Arch has been retained. The plan also resulted in the placement of an impermeable barrier in the form of a freeway along the Como foreshore preventing any meaningful form of human access to a substantial part of river foreshore close to the city.

More generally, the plan assumed the dominance of the privately owned motor vehicle as the means of transport throughout the region. With the benefit of hindsight, and what we now know about climate change and environmental sustainability, this may have been a mistake. Ironically, it is a mistake which may restore the link to the river, if water levels rise and the river (which the High Court has told us is in fact the sea) reclaims the freeway. I think it was also a mistake at a social and cultural level.

People in cars are in self-contained cells or pods. The persons in the car generally interact only with each other - except perhaps to gesticulate rudely at other drivers, cyclists or pedestrians - or worse. Many of the cars one sees on the streets of Perth are occupied only by the driver. This form of transport discourages and inhibits social interaction. People travel from home to work and back again without meeting anyone on the way. Many of the suburbs of Perth appear to have been designed on the assumption that people have lost the use of their legs. There is no occasion for people to walk along the streets in which they live or meet their neighbours. High street shopping of the kind I experienced in Angove and Fitzgerald Streets, North Perth, when I was a kid has all but gone. People no longer walk along the footpath of the high street, passing from shop to shop, meeting and interacting with other members of their community. We are hiring personal trainers to make us run in the mornings, and joining gyms to get exercise because our daily routines no longer involve walking distances of any significance. And smaller numbers take the opportunity to meet as a community in places of religious worship. Suburban sprawl, which has precluded economically viable effective public transport has meant that the local pub has largely disappeared as a consequence of entirely appropriate drink-driving laws.

In England, the corner pub, the high street and the village green all provide great opportunities for social interaction and the development of a sense of community. Those opportunities are more limited in Perth.

It seems to me that the Stephenson-Hepburn plan has resulted in the creation of a region which is essentially a network of dormitory suburbs linked by freeways in search of a soul. If the *polis* is as Hirst described, it would be difficult to describe Perth as a metropolis, or even a city, in the ancient Greek sense, because we do not have that sense of collective community control.

Last year I was fortunate to be offered the opportunity to occupy a back seat in the police helicopter when it undertook its patrol over Perth one Friday evening. From the air, one easily gained a visual image of the region. The lights and the freeways appeared to stretch unbroken from Yanchep to Dawesville - a distance of about 150 kilometres. The dormitory suburbs now occupy much of the swampy plain between the scarp and the sea over that massive distance. Roads are a dominant feature of the topography. According to Professor Richard Weller, who is to address this conference later today, 20% of the land area of the suburbs is given over to roads (*Boom Town 2050: scenarios for a rapidly growing city* (2009)).

While I was in the helicopter, my headphones were tuned into the police radio band. Every minute or so another incident was called in requiring police attendance - a fight in a car park, a hit and run accident, an assault or sexual assault and so on. When we landed at about 10.30 pm, I remarked how busy the evening was for the police. I was told that in fact

the evening was very quiet and that it wouldn't be getting really busy until about midnight or so.

I am not a sociologist or a town planner. But it seems to me that the configuration of Perth which I have described, and the behaviour which resulted in all those calls to police are not unrelated. The lack of opportunities for social interaction and community development seem to me to be likely to encourage antisocial behaviour and a lack of respect for other people and their property. The situation is aggravated by modern technology, which encourages people to interact with electronic screens on computers, televisions and DVDs and to communicate by telephone, or even worse, by email or text, rather than meet face to face. Not only are we adults captive to our screens, but even more worryingly, our kids are spending major parts of their day on computers or computer-based games and watching TV or DVDs rather than developing their social skills by mucking about with each other.

An environment and a culture which discourages the development of social skills and depreciates respect for other people and their property is no good thing. It seems to me to significantly increase the likelihood that when, on those increasingly rare occasions people do meet and interact, trouble is likely to follow, especially if, as is so often the case, they are under the influence of alcohol, or drugs, or both. Where in Perth are the grand avenues of Paris, or the grand boulevard of Washington, or La Rambla of Barcelona, which would encourage people to get out of their cars, walk in an ambient environment and meet with each other, perhaps over a coffee or a meal? Why do we have so little opportunities for alfresco dining or eating in conjunction with a passing parade of pedestrians, all interacting socially with each other, when our climate is

so much more amenable to these things than other cities in which outdoor dining and socialising is prevalent?

Crime prevention through environmental design

In addition to the impact which environment has upon general levels of antisocial behaviour, the built environment in specific localities will obviously have an impact upon the level and types of antisocial or criminal behaviour committed in that locality. Some houses in a street are much more likely to be targeted by burglars than others. Statistics show that in Perth, if you live near a suburban railway line, you are more likely to be burgled than if you don't. Armed robbers will choose targets with clear escape routes and car thieves are more likely to attempt to break into cars that are obscured from public view.

Appreciation of these connections has led to the development of a school of study known as Crime Prevention through Environmental Design (CPTED). One of its practitioners is Chief Inspector Phil McCamley of the New South Wales police, who has qualifications in architecture and social science. His article "*Crime Design and Urban Planning: from theory to practice*" (2001) provides many practical examples of built environments which can either maximise or minimise opportunities for crime. As he points out:

"Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People are also more likely to be protective of places with which they feel some connection or affinity. Effective design, planning and space management helps to stimulate natural community policing."

Space management, access control, designing so as to avoid spaces that are dark, obscure or unpopulated, and maximising opportunities for surveillance are all important tools in what McCamley describes as "natural community policing". However, it is important not to place too much reliance upon surveillance by closed-circuit television (CCTV). Dozens of CCTV cameras prominently on display at Sydney Airport didn't stop a man from being murdered there in full view of those cameras a few months ago. The volume of CCTV recordings undertaken makes it impracticable for the vision to be actively monitored as and when it is recorded, and even if it is, the monitor will inevitably be some distance from the site and with limited practical capacity to intervene or cause prompt intervention. CCTV footage can be a powerful aid in the identification of offenders, but as so much crime is irrational or spontaneous, its utility in preventing or discouraging crime is limited.

The area adjacent to the cultural centre in Northbridge provides a good example of the impact which poor urban design can have upon encouraging criminal or antisocial behaviour. During the day, the ambient open spaces which link the various buildings which comprise the cultural centre precinct are usually well populated and generally inviting and safe places to be. However, at night the buildings are largely unused and the adjacent public spaces relatively unpopulated, despite being relatively close to the Northbridge entertainment precinct and Perth railway station. However, those proximities accompanied with a land usage which discourages pedestrian traffic after dark has created an area in which a disproportionate amount of criminal and antisocial behaviour has taken place. That was why I was very pleased to see the recent announcement by the Minister for Planning and the Arts, Minister John Day, that funds will be provided to revitalise the area in such a way as to

bring more people, including families into it. For that area, it may have been a happy coincidence that the portfolios of planning and the arts were reposed in the same Minister!

These are the reasons why I think Hirst was correct to draw attention to the effect which spaces, places and buildings have upon human behaviour. Let me now return to the other point I have extracted from his work, which is the significance of collective community control - in this instance, over the planning process.

The importance of community control

The citizens in the ancient Greek city states, like Athens and Sparta, understood the importance of collective control of their city by the community and organised their society accordingly. Closer in time and geography, another example of the importance of community supervision of the planning process is found in the planning and development of remote Aboriginal communities in Australia. Town planning and landscaping in the APY lands in the central desert of Australia took on a new perspective when funds became available from the Commonwealth government for the development of communities in those lands during the 1970s. Initially, the process of planning and development was somewhat haphazard. Problems began to emerge. Building programmes increased the number of roofs in each community which resulted in more stormwater being produced. Much of the water drained into the road systems and was channelled down the slope causing erosion and environmental damage. The encouragement of sporting activities resulted in the creation of sports ovals and complexes which in turn resulted in serious dust hazards and water erosion problems for the community. Essential services such as water and electricity were not keeping up with

population growth. These problems emphasised the need not only for planning, but also for the planning process to be driven by the local community.

As the APY community states:

"Town plans are not simply beautification programmes. They have a major effect on the lifestyle of everybody in the community. Therefore a forum of local people with a directive role in town planning issues, should be formed to work with the town planning specialist. The plans that architects and engineers propose, should be developed together with the forum who would be the contributors of local, cultural and physical knowledge."

Phil Kirke is a Western Australian architect with considerable experience in the design of buildings for Aboriginal communities. In his recent book *The Shelter of Law* (2009), he emphasises the critical need to identify the social and cultural characteristics of the relevant community, and its needs, before embarking upon any design process, and the importance of effective consultation with the community throughout the design and construction process. The vital need for planning processes which ascertain what the community wants, and delivers it, is, of course, not limited to Aboriginal communities. The challenge, in both small and large communities, is to provide a planning process which delivers what the community wants within the resources available.

I have been less than complimentary about the extent to which basic structural planning in Perth has served the interests of our community. It seems to me to be at least possible that outcomes might be better if the planning processes in this State provided greater opportunity for

community consultation and involvement in the planning process. At State government level, planning is seldom on the political agenda. No elections have been fought on the question of whether Perth should be a sprawling suburbia linked by freeways like Los Angeles, or a more urbanised environment with higher residential densities and improved public transport.

I am, of course, aware that the local government planning schemes, and regional planning schemes like the Metropolitan Region Scheme are exposed for public comment and submission prior to promulgation. But I wonder how effective and meaningful those processes are as a mechanism for community participation in the planning process. For the reasons I have developed, and to which I will add, they do not appear to me to have been particularly successful in providing to the community of Perth what it wants and expects.

It is interesting to compare the mechanisms for public participation in the process of environmental regulation with the mechanisms providing for public participation in the planning process. In the environmental area, any member of the public can participate in the process by objecting to the level of environmental assessment proposed in respect of any particular project, and generally has a right to be heard in the course of that assessment. Very few planning schemes provide third parties with the right to actively participate in the process by objecting or appealing from any decision no matter how dramatically their interests might be affected by the proposed development. Some town planning schemes which inadvertently conferred third party rights and objection and appeal by reason of loose terminology were amended to revoke those rights.

Obviously there is an overlap between environmental regulation and planning for land use and development. That overlap is recognised by the environmental legislation, which now extends to include planning schemes which could have environmental impact. If such a scheme is being assessed under the *Environmental Protection Act 1986*, the rights of the public or interested third parties are acknowledged and recognised. However, the *Planning and Development Act 2005* does not afford the same measure of recognition and protection of the rights of the public and parties who might be affected by land development. It may be time to reassess this apparently anomalous distinction. This is not to say that every member of the public should have a right to appeal all planning and development decisions, because this may lead to unacceptable costs and delays in the planning process. But I think planning laws could make better provision for ascertaining the collective view of the community.

Some more gripes

In order to make good my proposition that the planning laws in force in Western Australia over the last 80 years have not in fact delivered to the community an environment which best serves our needs and interests, and that this may be the result of inadequate community control over the planning process, it is necessary for me to identify additional respects in which I believe planning outcomes have fallen below reasonable community expectations. In doing so I fear I may be contributing to the projection of the image of Perth as "dullsville". I should enter some disclaimers (as lawyers will!).

First, I love living in Western Australia. I was born here, and I expect to die here. I have left Perth to live in other cities on three separate occasions, and have always returned.

Second, I am not a planner, nor a sociologist, nor an architect. I am no Charles Landry. I would not even describe myself as a planning lawyer these days, although I did enjoy practising in that area for a number of years. It follows that my views on planning issues are of no more relevance or significance than those of any other resident of this city. The only reason I advance them is to support my proposition concerning the need for planning laws to deliver what the community wants and expects.

Subject to those disclaimers, here is my catalogue of complaints.

Suburban sprawl

I have already referred to the impact which I believe suburban sprawl has upon social interaction and behaviour. I have also referred to the effect which our dependence on the motor vehicle is having upon carbon levels in the atmosphere and therefore upon climate change. But there are, of course, other aspects of suburban sprawl which exacerbate those problems.

The houses which we are building on our separate suburban lots are getting bigger and bigger. They cost more and more to heat and cool despite regulations aimed at making them more energy efficient. We surround them with European style gardens which need water (which we haven't got) to keep them alive during the summer. So we build desalination plants powered by electricity generated using fossil fuels which further adds to atmospheric carbon. I hasten to confess that I am as guilty as anyone in this regard.

The Central Business District

The Central Business District of Perth is, like most contemporary cities, comprised mainly of unremarkable tower buildings constructed of glass and cement. However, other cities sometimes have design features which diminish the disheartening aspects of such a topography like heritage buildings, parks, inviting public open spaces, pedestrian avenues or boulevards accompanied by alfresco cafes and restaurants. Perth has few, if any, of these ameliorating features. St George's Tce is a wind tunnel, which can be quite an unpleasant place for pedestrians. At night, because of the lack of encouragement of mixed uses until very recently, the central city area is dead, and potentially dangerous.

The loss of heritage

We did not get the benefit of legislation specifically designed to protect heritage until the passage of the *Heritage Act* in 1990. By then much of the damage had been done. As I have already mentioned, the Pensioners' Barracks Building was demolished in the 60s, and the Esplanade Hotel disappeared during the 70s, along with many other buildings of diverse architectural heritage value. One only needs to compare a walk around Fremantle with a walk around Perth to realise how much we have lost in terms of the ambience of our city as a result of our belated recognition of heritage values.

But all is not entirely lost. We meet today in a wonderful heritage building in a precinct which is studded with other heritage buildings including:

- The old (1837) courthouse - the oldest building standing in Perth
- The Supreme Court building (1903)
- The Treasury building
- The old Land Titles Office
- St George's Cathedral

The plans to promote and enhance this area as an important heritage precinct are to be encouraged. The demolition of the appalling Law Chambers and Public Trust buildings adjacent to St George's Cathedral will enhance the amenity of the heritage precinct, as will the long overdue restoration and refurbishment of the Treasury buildings and the old Land Titles Office.

The under-utilisation of the river

For reasons that I do not comprehend, our planners seem to have been intent upon placing a series of natural barriers between the Central Business District and the river. Those barriers include the freeway interchange I have already mentioned, a bus port, and a large green swathe which discourages pedestrian movement between the CBD and the river. As if that was not enough, more recently approval was given to construct a drab and uninteresting Convention Centre between the city and the river. What can they have been thinking?

Nor is any incentive provided to people to encourage them to go to the river. Any visitor to Brisbane will know how that city has utilised its river as an important part of urban revitalisation. There has been discussion on this subject in Perth for most of my lifetime, but nothing ever happens. How can we have let ourselves get into the position where

a Ferris wheel is the best use we can think of for the prime space on the riverbank adjacent to the CBD?

I have a solution to the lack of buildings providing linkage between the CBD and the river foreshore. The new Supreme Court building which we have been patiently awaiting for the last 20 years could be constructed down the eastern side of Barrack Street, behind the row of wonderful Moreton Bay fig trees between the existing building and Riverside Drive.

I agree with Charles Landry that courts should be important community facilities. Through mixed uses (as in Vancouver), a building on that site could encourage community interaction in and around the building. Its architecture should encourage and welcome, rather than discourage. Charles Landry's description of the Central Law Courts Building as a building which screams out to visitors that they are guilty until they have proven their innocence has some validity, and is not a feature that should be replicated in any future court design.

Properly designed, the new Supreme Court could be an important community facility augmenting the recreational use of the Esplanade. It could complement whatever is eventually done on the proposed Perth foreshore site on the western side of Barrack Street.

Moving away from the CBD, the rest of our river foreshore is, in my opinion, significantly under-utilised. As I have mentioned, access to a significant part of the foreshore is blocked by a freeway. While it is important that other parts remain in as near to natural state as possible, this should not be taken too far. There are a relatively small number of restaurants and cafes situated on or adjacent to our river, and a greater

variety of facilities encouraging greater access to our river might enhance its appreciation and use.

Lack of utilisation of our beaches

Perth is fortunate to have beaches of world class in close proximity to the city. While preservation of some of those beaches in relatively natural condition is, of course, desirable, essentially the only two areas of a large beach line that have been substantially developed are Cottesloe and Scarborough. The built developments in those locations do not match the standards of the beaches they adjoin, but, in my view, and in the view of visitors I have taken to them, detract from them.

Lack of public art

I have already mentioned the lack of ameliorating features in our cityscape. Public art is one of the features that is, I think, significantly underdone not only in the CBD but in other public areas.

Regional planning

As one who rails regularly against the metrocentricity of government in this State, I have hypocritically spent almost all of this address dealing with Perth. However, many of our major regional centres suffer the same problems. In some of those centres, the problems may, if anything, be more acute.

When I was in Port Hedland earlier this year I was advised by representatives of the shire that a recent survey showed that over half of those who responded to the survey did not expect to be living in Port Hedland in 3 years time. It seems possible that at least some of those planning to leave have been discouraged from staying on by reason of the

limited social infrastructure available in that town. Things which we in the south-west tend to take for granted like a range of cafes and restaurants from which to choose, a choice of schools for our children, clubs and community organisations etc, are lacking. If we are serious about building communities in these important regional hubs, even in the face of the diminution in the sense of community caused by fly in/fly out, and the social disruption caused by 12-hour shifts, it is important that our planners encourage the provision of the social infrastructure that will make these centres more attractive places to live.

Conclusion

Town planning does matter. As I have endeavoured to demonstrate, the physical environment of any community significantly affects its culture and character. It also affects the behaviour of the members of that community and can be either a positive, or a negative influence on social behaviour.

Because town planning matters, it follows that town planning laws matter. In my view, those laws will be most effective if they encourage, or mandate planning processes which will better deliver to the community the planning outcomes which the community wants and expects.