



GOVERNMENT OF  
WESTERN AUSTRALIA

# Planning Reform



## 4. Cutting Red Tape in the Planning System

The State Government is reforming the *Planning and Development Act 2005*, *Planning and Development (Local Planning Scheme) Regulations 2015* and State planning policies to create a more flexible, responsive and contemporary planning system that can support Western Australia's economic recovery. This is the culmination of more than three years of consultation across all sectors and the community to deliver high quality and sustainable development, create new employment and business opportunities, and let people have their say early about future development in their communities.

These reforms will significantly cut red tape for users of the system and remove barriers to enable development, create jobs and support business. They will provide greater clarity and consistency across the system and reduce the administrative burden on the State's 139 local governments, saving time and money.

### Key Reforms

Collectively, proposed amendments will introduce reform measures that will ensure local planning is easier to navigate and understand, provide greater consistency in how planning provisions are applied and improve efficiency. Consultation will be undertaken with local government on the proposed regulatory changes. These reforms include:

#### *Planning and Development Act 2005*

- Introduce defined streams for region scheme amendments, reducing timelines for minor amendment processes, making it easier for users to navigate and cutting red tape.
- Provide the Minister for Planning with capacity to withdraw a proposed region planning scheme or amendment during the process. Currently the process must be completed, even in circumstances where the proposal is redundant, therefore wasting time and resources.
- Clarify and expand public works exemptions for State development projects.
- Clarify existing anomalies in the current planning legislation that relate to enforcement and intervention powers given to the Minister for Planning.
- Introduce risk-based assessment and decision-making pathways for amendments to State planning policies and region schemes.
- Introduce a new 10-year review and reporting requirement for all State and local government planning instruments, to ensure they remain current and contemporary and reflect local intentions and priorities.
- Require greater regard for State Planning Policies relating to bushfire management, coastal erosion and other hazards, which will impact community development.
- Provide for more streamlined approvals for the construction of roads and waterways.
- The Environmental Protection Authority (EPA) and Department of Planning Lands and Heritage will work together to determine which planning proposals require environmental assessment. Currently, more than 90% of projects referred to the EPA do not require assessment – which wastes 28 days of referral time and resources.



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- Exempt some essential services (commonly referred to as public works) from requiring planning approval, including water supply infrastructure.

## ***Planning and Development (Local Planning Scheme) Regulations 2015***

- A streamlined and coordinated approval process, including a quicker process for simple development applications and the ability to consider a deemed approval if an application is not dealt with in the statutory timeframe.
- Reduce unnecessary holdups in the referral process and provide a clear mechanism to enable a development proposal to proceed in the event that set timeframes are not met or if responses are not received. This will include a mechanism to determine applications based on the information available at the conclusion of the referral period.
- Clarify 'stop the clock' mechanisms, including setting a maximum number of days or set circumstances.
- Enable online publication of planning documents, removing the requirement for presentation of hard copies in a physical location.
- Establish consistent timeframes for consultation on development applications across the State.
- Change of use applications will be abolished for a number of different uses to support small businesses wishing to establish or change their operations. This would include a number of uses which are well suited and anticipated in town centres, commercial areas, activity corridors, mixed use areas: including cafes, restaurants, consulting rooms, retail shops, small offices etc. While this is currently allowable in some local government areas, the reforms will ensure it is consistent across the State and cut unnecessary and burdensome red tape.
- Make the provision of car parking as part of a planning application more flexible and consistent across the State. An updated cash-in-lieu framework will allow for clear and consistent calculations, and waive shortfalls up to 10 car bays which place a significant financial impost on small businesses.

## **Implementation**

- Three streams of reform – legislative, regulatory and policy – will be progressively implemented, with some interdependencies between the instruments.
- The first of two Bills comprising amendments to the *Planning and Development Act 2005* will be considered by State Parliament in May 2020. Part 1 will include provisions for a revised approval authority for the Western Australian Planning Commission, a Special Matters Development Assessment Panel and amendments relating to public works, scheme processes, risk-based assessments and consistency of key planning terms.
- Some parts of the legislation will come into effect upon Royal Assent, as approved by the Governor, or on a specified date. Other changes require supporting regulations to be amended and approved by the Minister for Planning and gazetted.
- The Department of Planning, Lands and Heritage will finalise and review planning policies for residential design codes and activity centres later this year. Draft policies for medium density and liveable neighbourhoods will also be released for public consultation, and work is ongoing to review policies relating to hazards such as bushfire management and coastal erosion.



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## Desired Outcomes

- The continued reform of Western Australia's planning system is essential to preparing our State for strong economic recovery from COVID-19, and to ensure strong development outcomes into the future.
- Cutting red tape and introducing greater consistency across our planning system to alleviate the regulatory and administrative burden on local governments, saving time and money and providing for a greater focus on strategic planning and local operations that more directly support their communities.
- Allowing greater flexibility for businesses to adapt by increasing the number of planning approval exemptions will help small and medium-sized businesses to get back on their feet, creating jobs and helping to rejuvenate activity and town centres.
- Community engagement in the preparation of planning strategies will enable local communities to help inform and shape the vision for their local area, ensuring that this vision is then translated into planning scheme provisions and reflected in development on the ground.
- Reducing unnecessary delays in assessing development applications and provide a clear mechanism, where timeframes have not been met or responses are not received, to determine applications based on information available at the conclusion of the referral period.
- Providing greater consistency for planning requirements across local governments, including consistent land use definitions, permissibility and car parking requirements in certain zones.
- Establishing a new system to resolve conflicts with Main Roads Western Australia following development approval. The current system is lengthy, and often ends at the State Administrative Tribunal, without formal and final resolution.
- Establishing more consistent consultation requirements for residential projects through the review of the R-Codes.