



# Planning Reform



## Proposed Changes to Planning and Development (Local Planning Scheme) Regulations 2015

## 2. Streamlined Planning Process

**A streamlined and coordinated approval process is one of the State Government's key reform measures to create a more flexible, responsive and contemporary planning system for Western Australia and support delivery of our economic recovery from COVID-19. The planning reform program will reduce unnecessary delays, remove unnecessary red tape and provide greater consistency across all levels of our planning system to support small business and property owners, and generate essential economic activity.**

### Key Reforms

New provisions will be introduced in the *Planning and Development (Local Planning Scheme) Regulations 2015* to streamline approvals for single residential dwellings, improve the assessment and referral process for development applications, provide more consistent and contemporary community consultation requirements and set consistent guidelines for local planning strategies.

### Deemed to Comply Checks

Development approval is not required for a new single house, or extensions and other minor works to a single house, where it meets the deemed-to-comply requirements of the R-Codes.

A new clause will be introduced to the *Planning and Development (Local Planning Scheme) Regulations 2015* to provide a deemed to comply check for single residential dwellings

- Homeowners can contact their local government to confirm whether their plans for a new house, extension or other minor works would be “deemed to comply” with the R-Codes [residential design codes], and therefore are exempt from requiring planning approval and can instead proceed straight to a building permit.
- The deemed to comply check will be available only for single dwellings and development proposals relating to single dwellings, such as patios and minor extensions, in the Perth and Peel regions. Other local governments may also opt to provide this service which will have an associated fee of \$290.
- The local government will be required to provide advice as to whether or not a planning approval is required within 14 days.
- If the proposal is not exempt, an applicant can choose to submit an application for development approval or amend the proposal to meet the deemed to comply requirements. If the applicant chooses to amend plans, another deemed to comply check may be submitted to ensure compliance. Alternatively, if the applicant is certain the amended plans meet the deemed to comply requirements, it can be lodged directly for a building permit.

The new Deemed to Comply Checks will provide certainty for applicants to know whether or not a planning approval is required and address any issues of non-compliance with the R-Codes prior to the building permit process, enabling a more streamlined and efficient building permit process. It will also ensure that the same level of certainty can be consistently available from local governments in the most populous areas of the State.

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### Additional Information Requests

In assessing development applications, the assessor may request more information from the applicant. Depending on the nature of information required, these requests can add considerable time to the assessment process and provide uncertainty for the applicant and the local community.

- A new clause in the *Planning and Development (Local Planning Scheme) Regulations 2015* will require the local government to advise an applicant whether all of the required and necessary information has been submitted within seven (7) days of receiving an application.
- If no advice is provided within seven (7) days, the application is taken to be accepted for assessment.
- A new pathway will also be established for local governments to request additional information after the application has been lodged.
- New clauses will prescribe specific limitations for more simple proposals for such information requests to enable the assessment and determination of the application to progress as efficiently as possible. Specifically, this includes:
  - The local government will specify in the request a time period for the additional information to be submitted.
  - The applicant can choose to agree or not agree with the request.
    - If the applicant agrees, the time period for submitting the information will commence. This time period will not be counted as part of the statutory timeframe for determining the application (ie. the “clock will be stopped” on the determination of the application during this time).
    - If the applicant does not agree within 14 days after the request is made, the applicant will be considered to have refused the request and the local government must continue to determine the application as submitted.
  - Only one such request can be made by the local government for applications that do not require advertising under the scheme or a referral to another authority.

### Streamlined Referral Process

Complex development applications are referred to other Government agencies and regulatory authorities to provide feedback and advice on the detailed elements of the proposed. For example, this can include referral to the Water Corporation to review the proposed scheme water and sewerage plans for the development, or it could include referral to transport agencies for consideration of traffic impacts.

The *Planning and Development (Local Planning Scheme) Regulations 2015* currently provide 42 days for the referral agencies to respond, and this time period can be extended adding further delays to the determination of the proposal. Changes will be made to state that:

- the 42-day referral request time can only be extended once by the local government, and for a maximum of 14 days; and
- where a referral authority does not respond within the specified time period (42 or 56 days), the local government is to determine that the authority has no objection or recommendations.



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### Car Parking Provisions

A more flexible and consistent approach to the provision of car parking for non-residential development is proposed as part of the State's regulatory reforms.

#### Exemptions and Variations

The requirements to provide car parking will be exempt in certain circumstances and a consistent requirement will be introduced for any variations.

- For non-residential development, a new clause will exempt car parking requirements for all uses that are exempt from planning approval.
- In all other cases, the *Planning and Development (Local Planning Scheme) Regulations 2015* will include a standard and consistent clause which allows variations to minimum car parking standards where:
  - Reasonable efforts have been made to provide required parking on site.
  - The car parking to be provided will meet the demands of the development having regard to the likely use of parking, the availability of off-site parking, and the likely use of alternative means of transport.

#### Cash in Lieu Provisions

A new clause will introduce consistent cash in lieu provisions that will allow the local government to accept a cash payment in lieu of providing car parking bays as part of the development. Any payments must be paid into a separate reserve account and must be spent within 10 years on public parking or other transport related infrastructure within the locality of the development.

- In such circumstances, the cash in lieu payment will be included as a condition of development approval.
- A consistent formula for calculating payments will be introduced and is to be based on:

$$\text{shortfall of car bays in the proposed development} \times \left[ \begin{array}{l} (27\text{sqm} \times \text{value of} \\ \text{land/sqm in the area}) \end{array} + \begin{array}{l} \text{construction cost of} \\ \text{a car bay} \end{array} \right]$$

- These provisions can only apply where the local government has prepared a payment in lieu of parking plan (Parking Plan) in accordance with a new clause. The Parking Plan must be in a manner and form approved by the Western Australian Planning Commission and must set out the following matters:
  - What the funds can be used for, which is limited to the maintenance of public parking and other transport infrastructure in the specified locality of the development.
  - For the purposes of the cash in lieu formula, the value of land in the area/s that are subject to the Parking Plan and the construction cost of a car bay. This will allow the cash in lieu formula to be responsive to and reflective of the actual type of car parking the payment is intended to contribute towards (such as at grade level or multi-deck).



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### **Shared Parking Arrangements**

A new clause will introduce consistent shared parking provisions. Such arrangements allow a parking shortfall to be accommodated on another site where there is agreement between the two landowners.

- In such circumstances, the requirement for a shared parking arrangement will be included as a condition of development approval.
- If a shared parking arrangement is required by a condition, the details of the arrangement must be approved by the local government. A new clause will outline what such applications need to address and what the local government will consider when making its determination.
- Any shared arrangement must cover the parking shortfall required by the proposed development and also ensure adequate parking is maintained for the others.

### **Structure Plans and Precinct Structure Plans**

The revised Regulations are also proposed to include one consolidated section regarding structure plans. To support the implementation of *State Planning Policy 7.2: Precinct Design*, two types of structure plans will be specified in the Regulations:

- Precinct Structure Plans – a plan that applies in a wide range of circumstances and considers subdivision, zoning and development, including built form.
- Standard Structure Plans – a traditional structure plan for subdivision and zoning.

Community consultation for all structure plans will be increased to 42 days, with the option for further increases at the discretion of the Western Australian Planning Commission.

There are no proposed changes to regulatory provisions for the preparation and amendment of structure plans, however the new *Planning and Development (Local Planning Scheme) Regulations 2015* will specify clear requirements for the revocation of structure plans where:

- a new structure plan has been prepared and approved
- a structure plan has been fully implemented or is otherwise no longer required
- a structure plan cannot be effectively implemented because of legislative or State Planning Policy change
- the applicant and relevant local government authority agree to revocation
- the structure plan has been 'normalised' through a scheme amendment.



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### 3 Public Consultation

Proposed changes to the *Planning and Development (Local Planning Scheme) Regulations 2015* will improve community consultation in local planning and development matters and ensure that information about development proposals is presented in a clear, contemporary and consistent manner. These changes include:

- Introducing new consultation requirements for complex development applications, including those applications that are to be determined by a Development Assessment Panel.
  - Applications will be advertised for public comment for 28 days. Any longer period must be agreed by the applicant and the local government.
  - Advertising must include:
    - signage in a manner and form approved by the WAPC; and
    - written notification to owners and occupiers within a minimum 200m radius of the site.
- All requirements for presentation of hard copies of applications and associated planning documents in a physical location have been replaced with a requirement for online publication.
- In recognition of consumer behaviours, advertising requirements prescribed in the *Planning and Development (Local Planning Scheme) Regulations 2015* also acknowledge the preference for online and digital engagement, with an option to utilise other more traditional methods at the discretion of the local government.

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