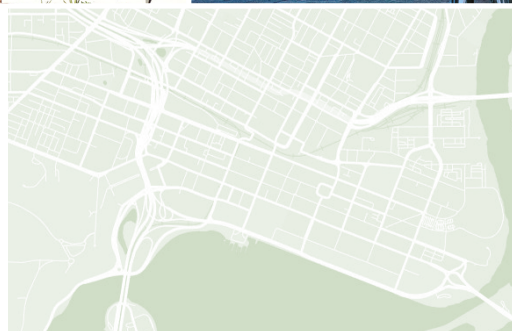
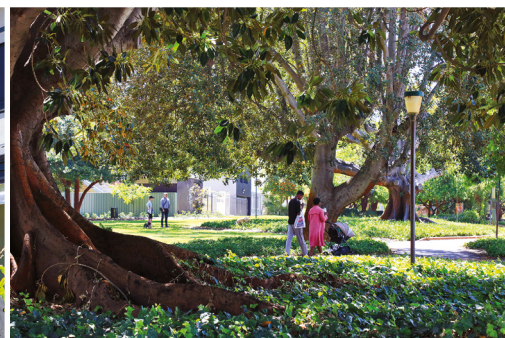
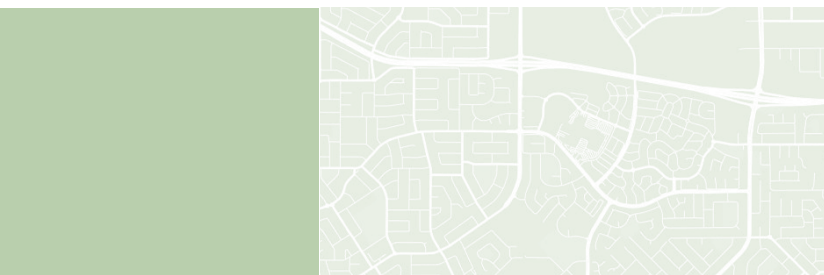


# Modernising Western Australia's Planning System



Green paper concepts for a  
strategically-led system

Summary of submissions

August 2019



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The Government of Western Australia acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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# Introduction

In late 2017, the Hon Rita Saffioti MLA, Minister for Planning commissioned a planning reform team, led by highly-experienced town planner Evan Jones FPIA, to undertake an independent review of the planning system. The purpose of the review was to identify ways to make the system more strategic and efficient, and more open and understandable to everyone.

Following consultation with a broad range of stakeholders, the planning reform team prepared a Green Paper outlining 78 inter-linked proposals for reform. The paper was released for public comment in May 2018.

This Summary of Submissions paper is intended to provide an overview of the overall responses to the Green Paper and feedback received during the submission period. This paper groups the 78 proposals into 27 themes, organised in accordance with the five chapters of the Green Paper.

There was significant support across all stakeholder groups for reforms to make the planning system more strategic, legible, transparent, efficient and accountable. Stakeholders had varying views about some of the proposals' ability to achieve this envisioned change and identified a number of potential risks and unintended consequences. This document aims to summarise the range of stakeholder views to the extent possible, including use of representative quotes.

Recurrent themes in the submissions highlight the need to:

- focus on strategy and outcomes, not process
- find simple solutions, and avoid adding more complexity
- avoid additional red tape and other unintended consequences of change
- maintain a balance between flexibility and certainty
- find the right mix of standardisation and local responsiveness.

Overall the response to the Green Paper signals a need and appetite for change, as well as the importance of thorough analysis and consultation about the detail of any proposed changes.

# Overview of submissions

A total of 254 submissions were received in response to the Green Paper. These included a small number of online surveys, numerous submissions addressing single issues or concerns and 166 submissions providing responses to the individual proposals in the Green Paper.

In this document, all stakeholder responses have been defined as being one of four categories: Support, Qualified Support, Opposed, or Neutral. Submitters that used the standard response template self-selected these categories. For other responses, the category was assigned based on the commentary provided. Each of these categories are shown in Table i.

Table i : Definition of response categories

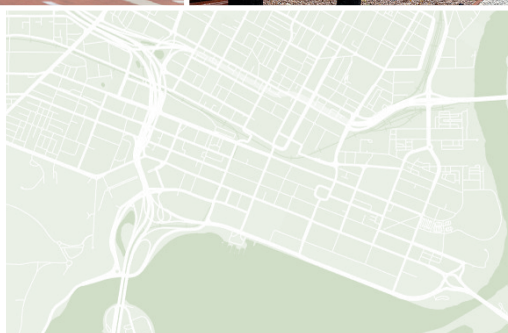
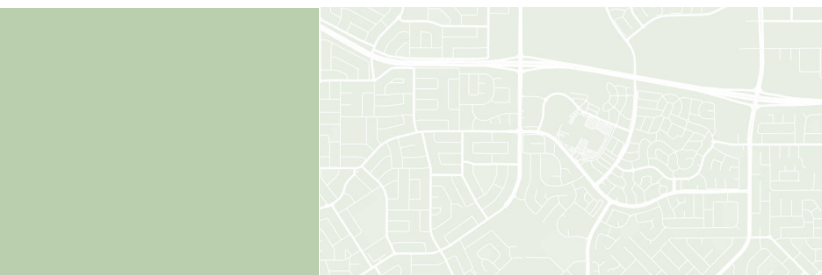
<b>Support (S)</b>	Submissions that expressed clear support for the proposal.
<b>Qualified Support (QS)</b>	Submissions that expressed a level of support for the proposal but identified some concerns, risks or reservations, or support was contingent on additional information.
<b>Oppose (O)</b>	Submissions that expressed general opposition to the proposal.
<b>Neutral (N)</b>	Submissions that did not express a view for or against the proposal.

For the purpose of analysis, submissions were also broken into stakeholder groups as outlined in Table ii.

Table ii: Stakeholder group descriptions

<i>Stakeholder Group</i>	<i># Respondents</i>	<i>Description</i>
<b>Advocacy groups</b>	28	Organisations advocating for particular community issues or commercial interests.
<b>Development industry</b>	29	Developers, builders, architects, designers and peak bodies representing the development industry.
<b>Community members</b>	96	Includes members of the general public and users of the planning system.
<b>Local government (metropolitan)</b>	30	Submissions from metropolitan local governments.
<b>Local government (regional)</b>	19	Submissions from regional local governments.
<b>Planning practitioners</b>	34	Individuals and organisations with professional expertise in planning.
<b>State agencies</b>	18	State Government agency or authority.





## Key Reform 1: A strategically-led planning system

### Submission Theme 1: Prominence of strategic planning and sustainability

#### Green Paper proposals:

1.1.1: Provide in the *Planning and Development Act 2005* (PD Act) that strategic planning is a purpose of the Act and provide a definition of strategic planning.

1.2.1: An overarching State Planning Policy be developed which:

- i) Provides a definition of sustainability for the planning system which reflects a balancing of economic development, environmental considerations, and social needs;
- ii) Reinforces sustainability as an essential element required to be taken into account in the making of any strategy or policy; and
- iii) Indicates the particular steps related to how economic, social and environmental factors are balanced.

There was **qualified support** for these proposals as illustrated at *Figure 1.1* below.  
In total, 173 submissions were received regarding this theme.

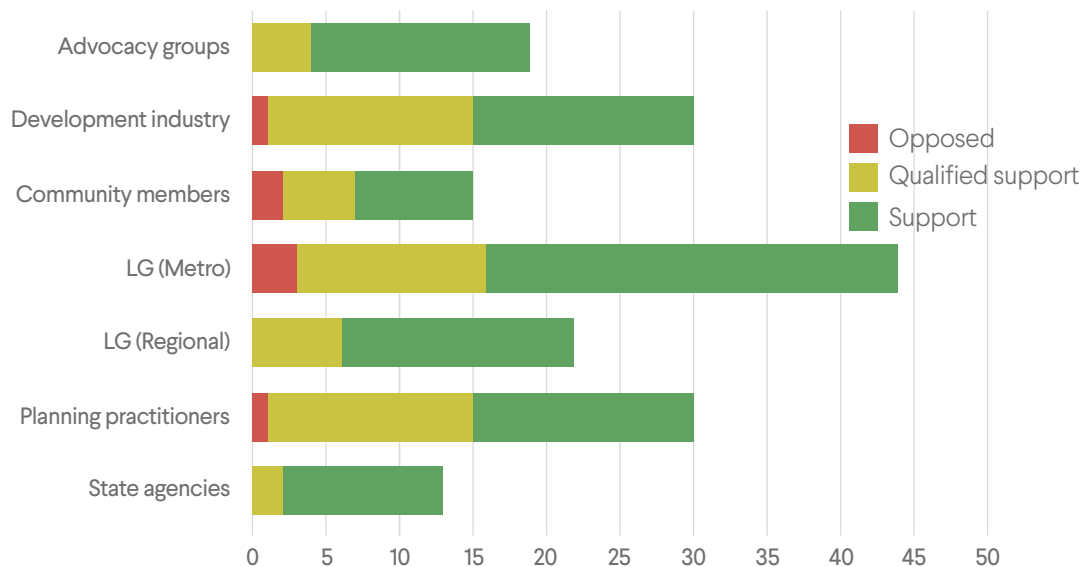


Figure 1.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Support** for placing an increased emphasis on strategic planning.
- **Support** for including a definition of 'strategic planning' in the PD Act, with some concern this would only be a symbolic gesture, whereas a change to delivery culture is required.
- **Qualified support** for clearer guidance on how to apply sustainability in the planning system, with caution expressed to ensure any definition is balanced.
- **Reservations** to the suggestion of a new sustainability State Planning Policy with a view the outcome could be achieved via amendments to existing policy documents.

### Summary of support expressed in submissions:

Stakeholders supported the intent to ensure the planning system is strategically-led rather than proposal-driven. The Green Paper proposal to provide a carefully considered definition for 'strategic planning' in the Act was generally supported.

Some stakeholders expressed a view that the intent of a strategic plan is often lost when translated into planning proposals, and had concerns that the use of discretion in decision making sometimes results in a digression from strategic intent.

Stakeholders also expressed a view that a definition of sustainability would provide more clarity for all users and welcomed more guidance on how to address sustainability in decision-making.

*"The focus on strategic planning and the provision of a definition of strategic planning will ensure that State policies, regional plans and local planning schemes are based on strategic planning rather than being proposal-driven as currently occurs."*



## Summary of concerns raised in submissions:

Stakeholders recognised that defining strategic planning and sustainability would require careful thought to ensure the definitions are not too narrow, are practical and do not stifle creativity and innovation in strategic planning, or fetter the ability for proposals to be treated on their merits and with appropriate use of discretion by decision-makers.

A number of submitters queried whether providing a definition for 'strategic planning' in the Act will deliver much practical benefit, suggesting that priority should be given to investigating other practical measures to create a strategically-led system. There was a view expressed that the planning profession will need to ensure planners have the experience needed to elevate and deliver strategic planning as suggested.

Similarly, submitters raised concerns that a new Sustainability State Planning Policy would add unnecessary complexity in the system and create more red-tape. Some stakeholders highlighted that State Planning Policy 1 (SPP1) already defines the primary aim of planning as providing for the sustainable use and development of land, and explains the objectives of planning for sustainable communities, economic well-being and ecologically sustainable land use and development.

## Alternative/additional ideas provided in submissions:

- It was also suggested that a clear framework should be developed that defines the weight of strategic planning in statutory decision-making and guides the use of discretion.
- It was also proposed that instead of creating a new policy, SPP1 could be expanded or amended to provide more guidance on sustainability.
- In addition, it was suggested that the opportunity should be taken to update other elements of the Act to ensure that core functions of the planning system are integrated into legislation.

## Submission Theme 2: Strategically-led local planning

### Green Paper proposals:

1.1.2: Provide in the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) that the review of a local planning scheme must be informed by, and respond to, a review of the local planning strategy.

1.1.3: Provide in the LPS Regulations that a complex scheme amendment must be informed by a proposed amendment to the local planning strategy (in the form of a report).

1.3.1: Provide that every local planning strategy include a housing strategy, except for low growth and small regional local governments which only require basic local planning scheme requirements.

There was **qualified support** for these proposals, with proposal 1.1.3 receiving 30 per cent support and 26 per cent opposition. A total of 148 submissions were received in response to this theme.

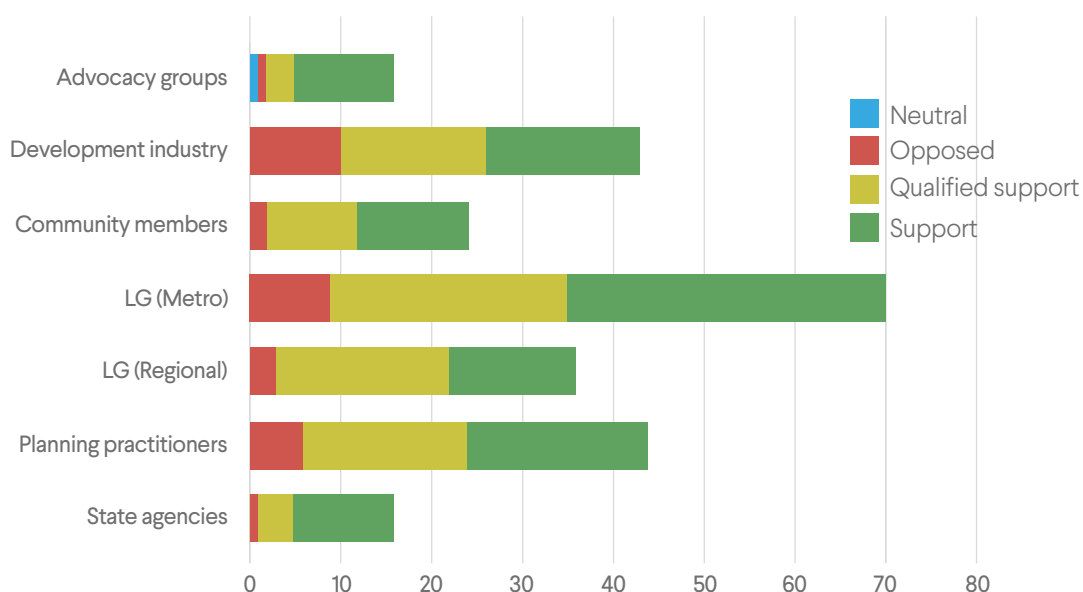


Figure 2.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Broad support** for local planning scheme reviews to be informed by, and respond to a local planning strategy; however **concerns** regarding the practicalities of implementation were raised.
- **Qualified support** for the suggestion that local planning strategies be kept up-to-date with regular amendments, and **mixed views** on the proposal for complex scheme amendments to be accompanied by a concurrent local planning strategy amendment.
- **In-principle support** for housing to be a key component of local planning strategies, with some caution regarding integration.

### Summary of **support** expressed in submissions:

Stakeholders indicated support for a strengthened relationship between local planning schemes and local planning strategies to foster greater trust and engagement within the community. There was general support for local planning strategies and scheme reviews to be prepared concurrently. The local government sector also recognised the merit in amending local planning strategies where scheme amendments create substantial inconsistencies.

*“The focus on review of a local planning strategy prior to a review of a local planning scheme will help identify strategic planning issues that need to be addressed in the review rather than responding to development pressures.”*

### Summary of **concerns** raised in submissions:

Stakeholders noted that further thought needs to be given to implementation of these proposals to ensure appropriate consideration of requirements for smaller local governments, noting that defining “low growth and small local government” would require careful deliberation. By way of example, stakeholders noted that not all areas would require a local housing strategy.

Stakeholders also noted that the timeframes for preparing, advertising and considering local planning strategies and schemes are not aligned. Stakeholders suggested that the scheme and strategy process should be aligned to improve efficiency. Specific concerns were raised regarding the lack of enforceable timeframes

for initiation, consideration and approval of local planning strategies, with stakeholders identifying a need for a process to efficiently resolve differences between the Western Australian Planning Commission (WAPC) and local governments regarding the content of strategies.

The development industry and planning practitioners expressed concerns that the proposal for complex scheme amendments to be accompanied by an update of the local planning strategy would add red tape, complexity, costs and delays. A number of submitters noted that amendments could be incorporated in local planning strategies if they are reviewed more regularly.

Stakeholders provided in-principle support for housing to be addressed in a local planning strategy, however they noted that any requirements should be proportional to the community context. The local government sector preferred to be given the option to address housing as a component of the local planning strategy, rather than as a separate strategy.

### **Alternative/additional ideas provided in submissions:**

- A number of local governments suggested that requirements to review local planning strategies and schemes should not have absolute timeframes and rather have a more strategic focus, informed by the currency of instruments or triggered when there are significant changes made to State-level strategies.
- It was recommended that local government be required to provide a scheme report when submitting local planning schemes to the WAPC, outlining the rationale for scheme provisions and including a concurrent amendment to the local planning strategy if required.
- Some local governments and industry groups proposed a cause-and-effect mechanism whereby the approval of a complex amendment would trigger a requirement for the strategy to be updated.



## Key Reform 2: A legible planning system

Submission Theme 3:  
State planning policies  
– arrangement, line of sight and role

### Green Paper proposals:

- 2.2.1: State Planning Policies be consolidated into a single state planning policy framework with supplementary technical guidance.
- 2.3.1: WAPC to establish common strategic “elements” for the State Planning Framework and prepare Technical Guidance for the details of each element to be included.
- 2.3.2: Provide that every State Planning Policy, regional or sub-regional plan and the local planning strategy must follow these elements, unless otherwise agreed to by WAPC.
- 2.3.3: Provide that every local planning strategy must explain how it has addressed each common strategic element against the applicable strategic documents.
- 2.3.4: Provide in the PD Act that all planning decision makers are to have due regard to State Planning Policies.
- 2.3.5: Provide in the *Metropolitan Redevelopment Authority Act 2011* that in performing functions under the Act, the MRA must have regard to State Planning Policies.

**Support** for these proposals with some qualifications. In total 460 submissions were received regarding this theme.

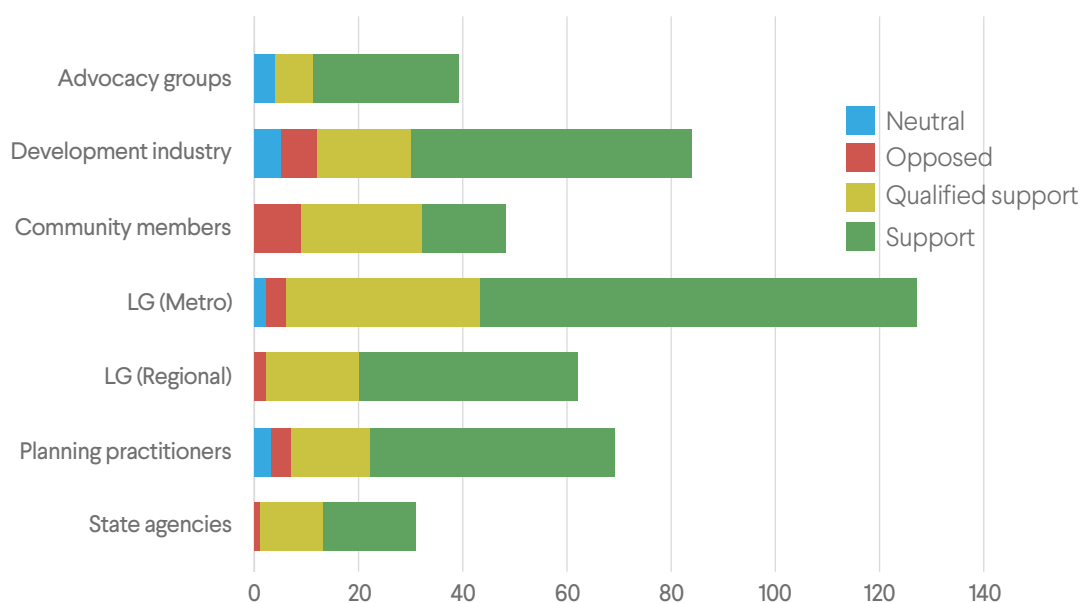


Figure 3.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Support** from all stakeholder groups for streamlining the State Planning Policies by consolidating them into a framework with supplementary technical guidance.
- **Clear support** for the proposal that all planning decision makers, including the Metropolitan Redevelopment Authority, shall have due regard to State Planning Policies.
- **In-principle support** to improving integration of strategic documents but some concerns about the resource implications relative to the practical benefits of this proposal.

### Summary of **support** expressed in submissions:

Stakeholders largely agreed with the intent to improve the legibility of the State Planning Policy (SPP) suite through consolidation into a single framework. There was a view this would provide an opportunity to review and update existing SPPs and improve government coordination. The local government sector expressed the view that the current poor integration of SPPs results in strategic intent being lost.

There was clear support for requiring all planning decision-makers, including the Metropolitan Redevelopment Authority, to have due regard to SPPs.

*“A single state planning policy framework which groups related SPPs and explicitly recognises the inter-relationships between SPPs would assist in their implementation and may reduce complexity.”*

### Summary of **concerns** raised in submissions:

A number of stakeholders observed that the proposal to consolidate SPPs would require significant resourcing and others expressed a view that the introduction of common elements would be unlikely to have a meaningful impact on current practice. In this context, some stakeholders were of the opinion that consolidating the SPP framework should be a relatively low priority.

The practical application of a single consolidated SPP was queried.

Submitters also identified the need to provide clarity regarding status and arrangement of Development Control Policies, Planning Bulletins, Guidelines and Position Statements.

Several local governments raised concerns regarding the risk of creating a rigid formulaic policy framework. Major industry groups also observed that under current arrangements, local planning strategies must consider SPPs and asserted that flexibility should be retained for local planning strategies to accommodate local issues and context.

## **Alternative/additional ideas provided in submissions:**

- It was suggested a model SPP template be prepared to ensure that State Planning Policies and objectives are complimentary, consistent and legible.
- There was a call for clear guidance on how to align local planning strategies with SPPs.
- A 'fast-track' amendment process for minor updates to SPPs was suggested.
- It was suggested that two classes of SPPs be created: those which contain detail for incorporation into Local Planning Schemes and those which are policy positions guiding preparation of other instruments and/or the exercise of discretion in decision-making.

## Submission Theme 4: Local planning framework – arrangement and presentation

### Green Paper proposals:

- 2.4.1: Require that a local planning scheme be published with the inclusion of the local planning strategy (in the form of a local strategic statement) and local planning policies in a document to be called a “Comprehensive Local Planning Scheme”.
- 2.4.4: Provide in the LPS Regulations for a clear distinction of the purposes of Local Structure Plans, Activity Centre Plans, Local Development Plans and local planning policies.
- 2.6.1: The LPS Regulations be amended to provide that local planning policies are to be prepared in a manner and form approved by WAPC.
- 2.7.1: Provide in the PD Act that deemed provisions are to be included in a Comprehensive Local Planning Scheme.
- 2.7.2: Provide in the LPS Regulations that a Comprehensive Local Planning Scheme is to include a specific section for deemed provisions.
- 2.9.1: Develop an interactive Planning Portal for keeping local planning schemes online and accessing them in a legible and user-friendly format.

There was **varied support** for the six proposals in this theme and variance in stakeholder views. In total, 445 submissions were received regarding this theme.

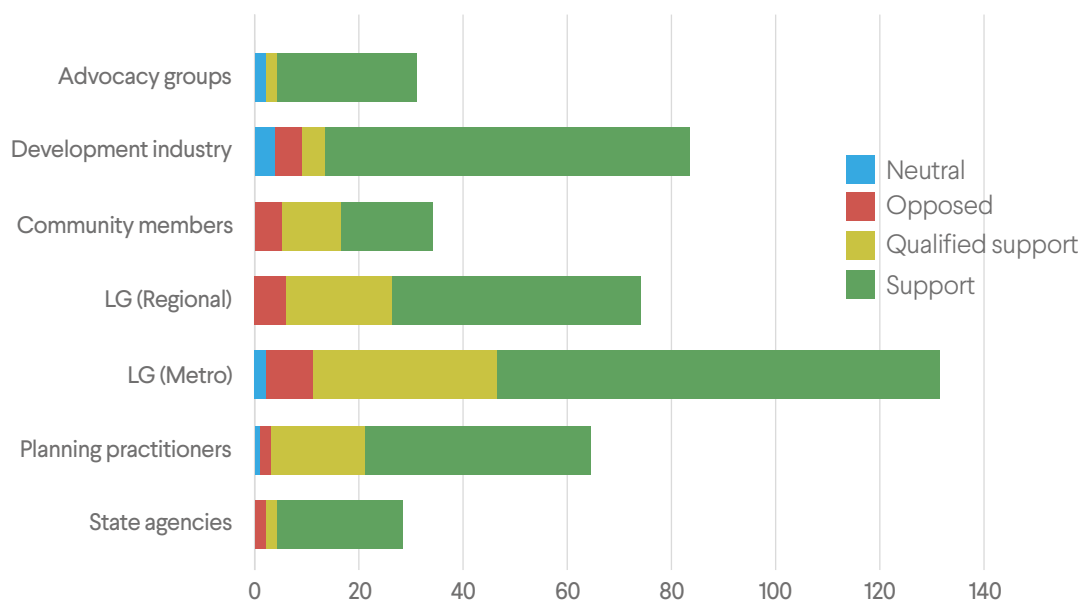


Figure 4.1: Response to Green Paper proposals, displayed by stakeholders categories



### Key feedback received:

- **Substantial support** from all stakeholder groups to locate all elements of the local planning framework in a single location online, and to strengthen the links between local planning strategies and local planning schemes.
- **Mixed views** regarding whether a local planning strategy, scheme and policies should be combined in a statutory sense to form a Comprehensive Local Planning Scheme, and as to the level of oversight that the WAPC should have of local planning policies.
- **Broad support** for a clear distinction of the purpose of different planning instruments.

### Summary of **support** expressed in submissions:

Stakeholders generally agreed that presenting all elements of the local planning framework in a single location would be a significant improvement – enhancing legibility and transparency, assisting users in understanding a local planning framework, and strengthening strategic alignment across layers of local planning.

A number of industry stakeholders recognised that consolidating documents in a single location also presented an opportunity to strengthen strategic alignment across all layers of local

planning to provide a more direct way to communicate strategic intent, in a user friendly format, to assist community understanding of the way significant proposals are assessed.

The majority of stakeholders also supported better guidance and definition around the use of different instruments, identifying that clarity would greatly assist legibility and make the system more user friendly and also address “process shopping” which can occur.

### Summary of **concerns** raised in submissions:

Many local governments raised significant concerns regarding the proposed Comprehensive Local Planning Scheme, identifying a risk that statutory and strategic elements could become blurred, ultimately resulting in confusion of how certain parts of the framework would be applied. Some local governments offered qualified support, identifying the need for further investigation of how it would work and what the implications may be.

Industry stakeholders and planning practitioners noted that a Comprehensive Local Planning Scheme was likely to result in additional red

*“Any measure to simplify the organisation, access to, and understanding of Local Planning Policies etc., should not involve removing the current ability of elected local Councils to make their own plans, policies, and regulations, together with their local residents.”*

tape and more delays to scheme amendments. Concerns were expressed that a Comprehensive Local Planning Scheme could be too bulky, overwhelming and difficult to use. It was recognised that careful consideration would need to be given to the structure and layout to ensure it is legible and easy to navigate.

Although there was general recognition of a need for improvement of local planning policies, local government and industry stakeholders generally opposed the suggestion that local planning policies should have oversight and approval by the Department and/or the WAPC and the Minister for Planning, stating that it would be unwieldy and unproductive. It was suggested that such approval should only be required where the content is inconsistent with a State Planning Policy or a set manner and form.

### **Alternative/additional ideas provided in submissions:**

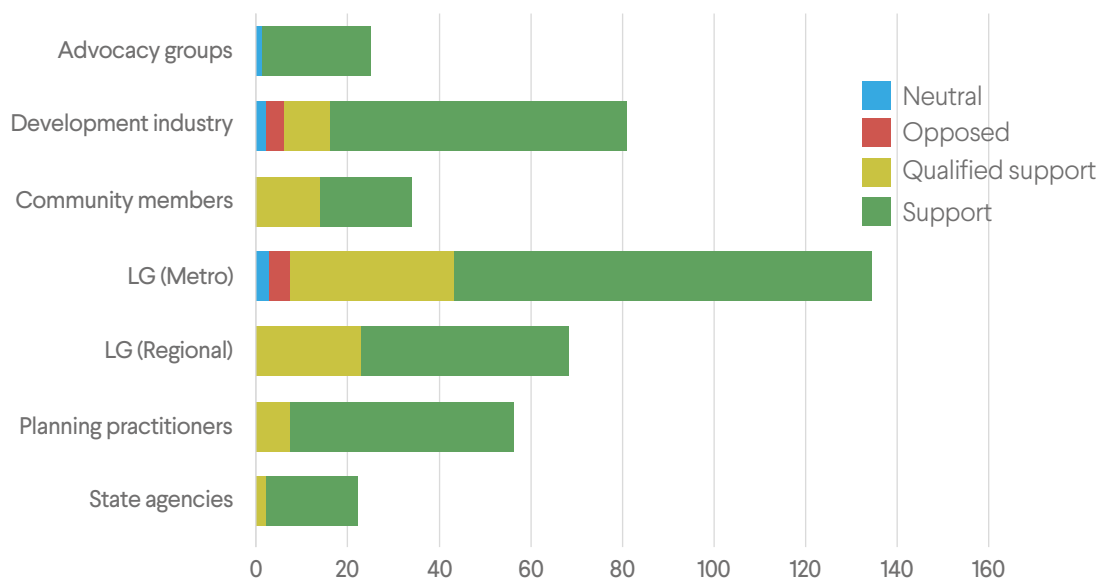
- Some local government and industry stakeholders suggested that the manner and form of local planning policies could be regulated through a model local planning policy text, or similar, in order to improve consistency and quality.
- Some local government stakeholders noted that if local planning strategies, schemes and policies were to be published in a single location, this should also be extended to other local planning documents (such as structure plans and local development plans) to provide a true, single source of local planning information.

## Submission Theme 5: Local planning framework – guidance on preparation

### Green Paper proposals:

- 1.3.2: DPLH to provide guidance for local government in the Local Planning Manual on how to prepare a Local Housing Strategy, including a methodology for housing analysis.
- 2.4.2: DPLH to provide guidance for local government in the Local Planning Manual on the content and format of a local planning strategy and local planning policies.
- 2.4.5: DPLH to provide guidance in the Local Planning Manual on the appropriate use of each instrument.
- 2.5.1: DPLH to update the Local Planning Manual with guidance on the preparation, content and format of a local planning strategy and strategic statement, in a similar form to a Victorian Municipal Strategic Statement.
- 2.6.2: DPLH to update the Local Planning Manual to provide guidance for the form, content and writing of a local planning policy.
- 2.7.4: DPLH to revise and keep up-to-date the Local Planning Manual to ensure it provides local government with the guidance required to prepare and administer its local planning framework and properly reflects the expectations of DPLH and WAPC.

There was **overall support** for the six proposals in this theme, across most stakeholder groups, as shown at *Figure 5.1*. In total, 420 submissions were received regarding this theme.



*Figure 5.1: Response to Green Paper proposals, displayed by stakeholder categories*

### Key feedback received:

- **Broad support** from all stakeholder groups for regular updating of the Local Planning Manual.
- **Mixed views** on the extent to which the Department and WAPC should prescribe the format, content and writing of Local Planning Policies.

### Summary of **support** expressed in submissions:

Stakeholders agreed that the existing Local Planning Manual requires updating to provide improved guidance on the desired form and use of the various existing planning instruments within the Western Australian planning system. This reform proposal was viewed as likely to lead to greater consistency in the format of planning instruments across the State.

Local government stakeholders suggested that the provision of updated guidance would lead to the more cost effective preparation of Local Planning Strategies and Local Planning Schemes, which in turn may facilitate more efficient processing of these documents by the Department and WAPC.

*“The Local Planning Manual would benefit from a review and update. The review should draw upon lessons learnt and best-practice examples for a metro, outer metro and regional case.”*

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### Summary of **concerns** raised in submissions:

While the local government sector expressed general support for consistency and standardisation, the majority emphasised the view that the responsibility to formulate the content should rest with the local government which is best placed to tailor the content in response to the relevant local considerations.

Some stakeholders raised concerns regarding the potential timeframes associated with reviewing and updating the Local Planning Manual and highlighted the need for adequate resources to be provided so that a review occurs and is concluded in a timely manner.



## **Alternative/additional ideas provided in submissions:**

- Numerous submitters suggested that the review and updating of the Local Planning Manual should be undertaken in collaboration with the key stakeholders that regularly engage with the planning system, and look to draw on their existing resources and knowledge so that the updated document is relevant, practical and usable.
- Several local government stakeholders emphasised that the Local Planning Manual should not to be applied in a “one size fits all” manner and that the guidance must be scalable and able to be adapted to the specific planning needs of a particular local government area. It was also stressed that in the review of the Local Planning Manual, it should be made clear that it is intended to be used as a guidance document and not as a prescriptive set of requirements.
- A number of local governments suggested that an updated Local Planning Manual provide some guidance regarding the potential preparation of joint local planning strategies across multiple local government areas where it may be logical and efficient to do so.

## Submission Theme 6: Delay amendments to local planning frameworks

### Green Paper proposal:

2.4.3: Local governments currently undertaking, or about to embark on, a substantive review of their planning frameworks delay preparation of local planning strategies and local planning schemes (and related omnibus amendments) until guidance on the format and content of local planning frameworks is available.

There was **clear opposition** for this proposal, across all stakeholder groups. In total, 89 submissions were received regarding this proposal.

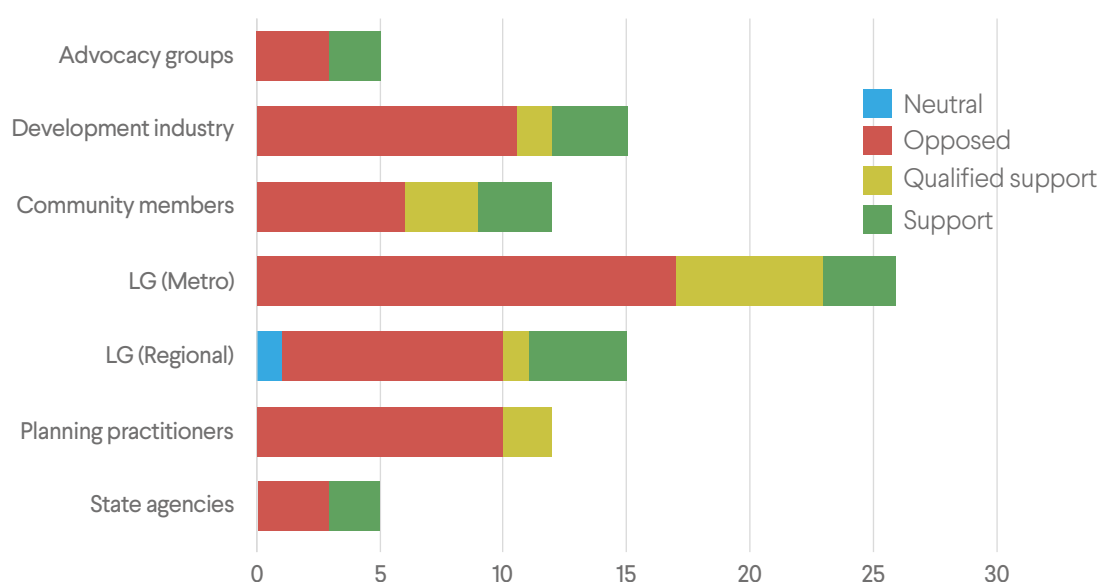


Figure 6.1: Response to Green Paper proposal, displayed by stakeholder categories

### Key feedback received:

**This proposal was opposed by most stakeholders** on the grounds that the timeframe for implementation of Green Paper proposals is uncertain and a number of reviews are currently underway. Further delays will exacerbate current issues relating to outdated planning instruments.

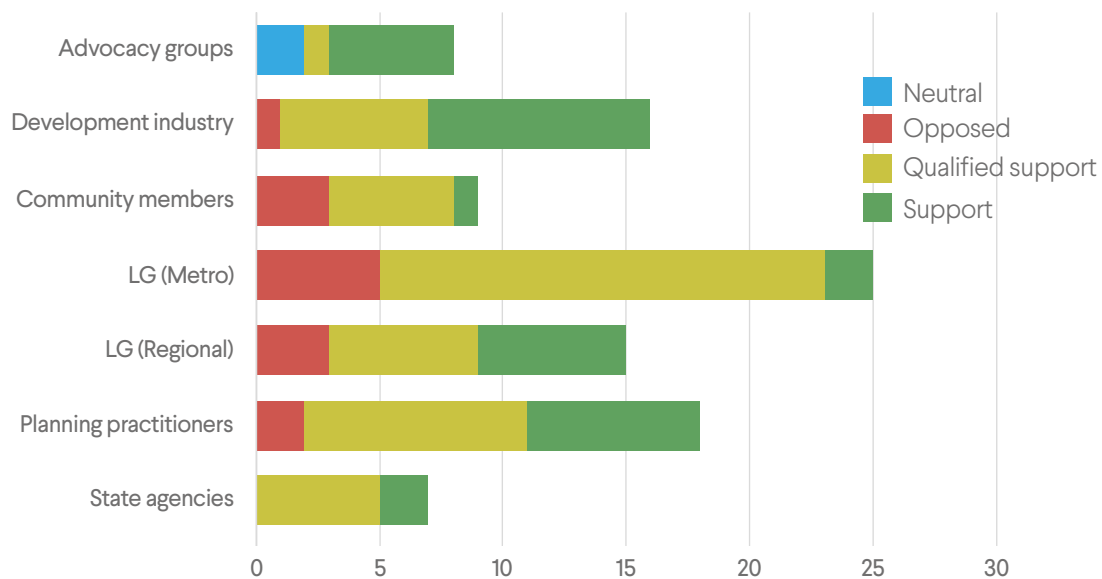
## Submission Theme 7: Standardised zones, land uses and permissibility

### Green Paper proposal:

2.7.3: Provide in the LPS Regulations that there are deemed provisions which set out standardised zones, land uses and land use permissibility which:

- i. group like-land uses into themes for which common development standards can be prepared;
- ii. identify low risk land use proposals by including suitable parameters for which a streamlined planning processes apply; and
- iii. are mandatory for local government to adopt within their municipalities through the next scheme review or omnibus amendment.

Support for this proposal was **heavily qualified**, particularly among local and State Government respondents, as shown at *Figure 7.1*. In total, 98 submissions were received regarding this proposal.



*Figure 7.1: Response to Green Paper proposal, displayed by stakeholder categories*

### Key feedback received:

- **Support** from all stakeholders for the principle of standardisation with recognition that this proposal could significantly benefit users of the planning system.
- **Varied views** regarding the degree to which standardisation should occur and how this ought to be incorporated into the planning system.

### Summary of support expressed in submissions:

There was support from a broad range of stakeholder groups for streamlining and greater standardisation of zones, land uses and permissibility. Peak industry bodies identified that this reform would deliver significant benefits.

There was generally qualified support from the local government sector for standardised zones and land uses, subject to the provision of further detail regarding how zones, land uses and permissibility would be identified and implemented. However, local governments expressed the view that they require the ability to tailor land use permissibility to local circumstances and in response to the wishes of their communities.

*“Of all the potential reforms set out in the Paper, this is the area with most promise for improvement of planning in WA, and where the problems are the most significant – far too much time is spent working out ‘the rules of the game’, rather than actually focusing on the outcomes.”*



## Summary of **concerns** raised in submissions:

The majority of stakeholders recommended caution in the implementation of this proposal to avoid an increase in non-conforming uses and other unintended consequences. They noted the potential for increasing, rather than decreasing uncertainty through the proliferation of discretionary (rather than permissible) uses which may be required to account for a greater variety of circumstances across the State. It was noted that the degree to which red tape would be reduced in practice may be limited due to the requirement to demonstrate compliance with other statutory requirements.

Stakeholders also identified a risk of potential homogenisation of development outcomes and warned against excessively rigid standardisation, particularly with a need to provide for regional and rural communities. Some local governments expressed concern as to how 'low risk' proposals might be identified, noting that the level of impact can vary between different communities and across local government areas.

The local government sector and planning practitioners had divergent views as to whether this proposal should be implemented via the Deemed Provisions or form part of the Model Provisions. They also identified the need for appropriate transitional arrangements, supporting information and training as necessary requirements for successful implementation.

## **Alternative/additional ideas** provided in submissions:

- Several industry stakeholders suggested that the standardisation of zones, land uses and permissibility might pave the way for common development standards and provisions (i.e. car parking, non-residential development standards, signage etc.).
- A number of local governments cited examples where land uses have been grouped into categories, generally based on car parking requirements, to allow for the simplification of development standards.

## Submission Theme 8: Mandatory development requirements

### Green Paper proposal:

2.8.1: Provide in the LPS Regulations that there be a location within the model provisions for mandatory development requirements for key sites and matters.

There was **support** for this proposal, with some variance across stakeholder groups, as shown at Figure 8.1. In total, 76 submissions were received regarding this proposal.

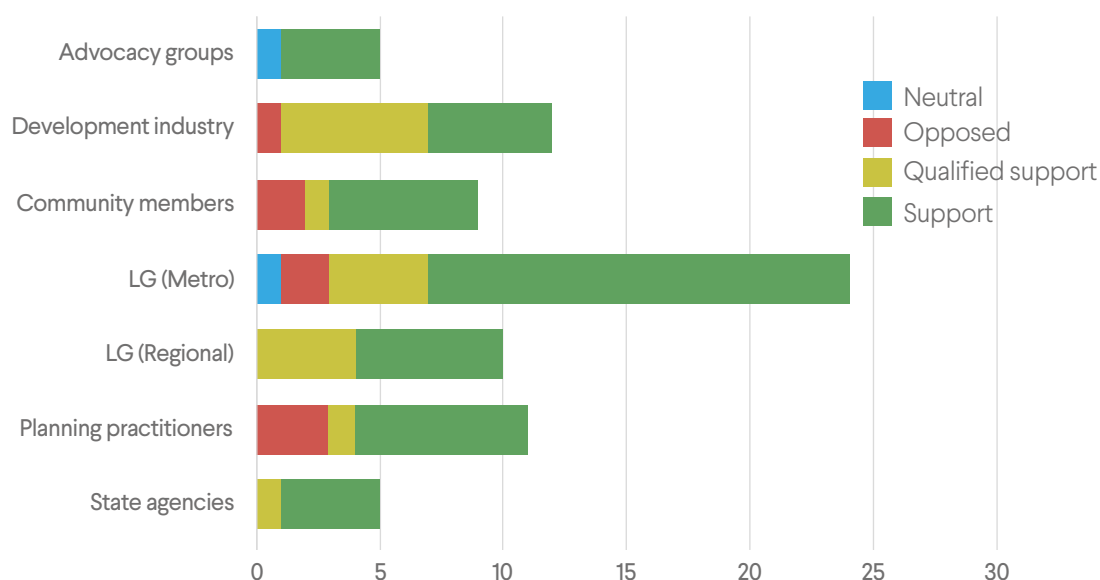


Figure 8.1: Response to Green Paper proposal, displayed by stakeholder categories

### Key feedback received:

- **Support** to allow mandatory development requirements for key sites and matters, on the proviso that more detail is required on how this will be implemented.
- **Some concern** that the inclusion of mandatory requirements in local planning schemes may result in a more inflexible planning system.

## Summary of **support** expressed in submissions:

There was support from the majority of stakeholders to make provision for mandatory development requirements within the Model Provisions, observing that due to the restricted nature of suitable sites, this proposal would allow for some effective infill solutions. There was cautious support from some development industry stakeholders, with a call for its use to be limited to only special circumstances and detailed guidance from WAPC to local government as to where it may be appropriate to be used.

*“There are circumstances where the local community wants certainty over development outcomes, such as in transitional areas.”*

Some stakeholders queried whether local governments will have discretion to vary these mandatory requirements. It was widely noted that further discussion and more information is required on the details of how this proposal would be implemented, the discretion available to local governments and the rules for exercising discretion.

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## Summary of **concerns** raised in submissions:

Some industry stakeholders and planning practitioners opposed the proposal on the grounds it risked a more inflexible and cumbersome planning system. There was some concern expressed that the proposal would result in a rigid regulatory approach that could lock in development standards for the life of a scheme, ignoring context changes or performance characteristics of specific development proposals.

*“While certainty is useful in the planning system, it is enough to have certainty of process and parameters for application of discretion.”*

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## **Alternative/additional ideas** provided in submissions:

- Some stakeholders noted a requirement for incorporation of clear guidance on the level of discretion that is available and on the proper application thereof.

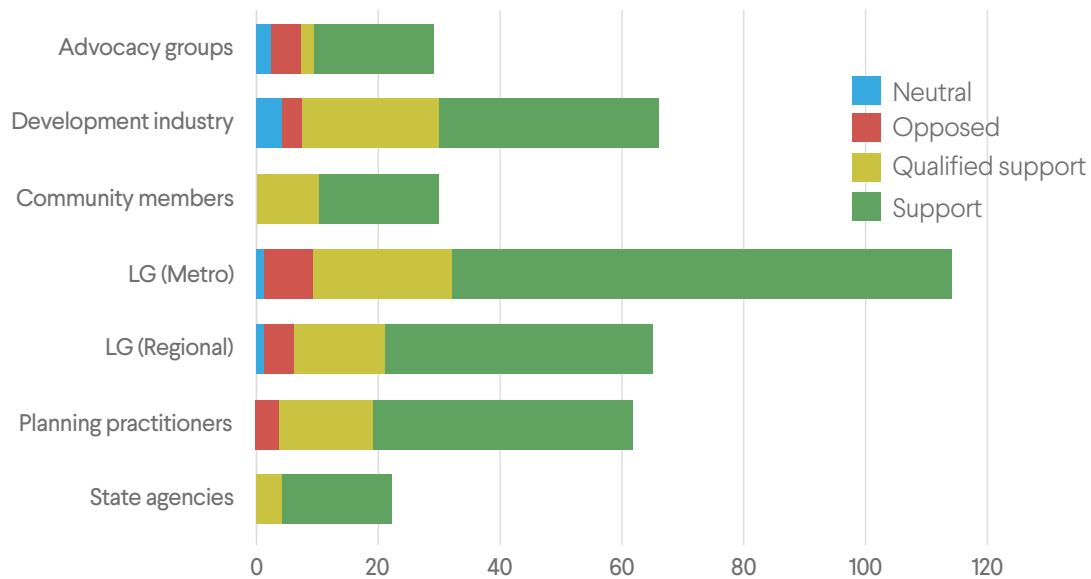
## Key Reform 3: A transparent planning system

### Submission Theme 9: Community engagement

#### **Green Paper proposals:**

- 3.2.1: DPLH should develop a Community Engagement Charter for all aspects of the planning system that includes principles with regard to:
  - i. Planning authorities having a duty to engage with the community in a manner that allows residents to contribute to the making or amending of a strategic plan; and
  - ii. In the making or amending of a strategic plan, the community, as soon as possible, be given information as to what is proposed and any documents that the planning authority intends to examine.
- 3.2.2: Align engagement processes in the planning regulations to the Community Engagement Charter.
- 3.2.3: Revise public notification and engagement requirements for planning proposals in the PD Act and LPS Regulations to update out-dated requirements.
- 3.2.4: Make provision within the LPS Regulations that the local planning strategy must be in accordance with the Community Strategic Plan under the Local Government Act to the extent that it is relevant.
- 3.2.5: DPLH to revise the Local Planning Manual to clarify that:
  - i. actions in local planning strategies are limited to those matters that can be carried out within the local planning scheme;
  - ii. acknowledge a concurrent community participation process between a Strategic Community Plan and a local planning strategy.

There was **support** for these proposals, across most stakeholder groups, as shown at *Figure 9.1*. In total, 388 submissions were received regarding these proposals.



*Figure 9.1: Response to Green Paper proposals, displayed by stakeholder categories*

### Key feedback received:

- **Clear support** for improving community engagement processes to modernise how the planning system engages with the community, ensuring engagement is genuine and timely.
- **Mixed views** on the nature of a Community Engagement Charter (i.e. guidance or mandatory).
- **Qualified support** for the alignment of Strategic Community Plans and local planning strategies.

## Summary of **support** expressed in submissions:

There was general agreement for more up-front and genuine community engagement in strategic planning, and that improvements are required to community engagement processes across the State and local government sector. It was also widely acknowledged that current notification and engagement requirements set out in the Act and LPS Regulations need to be updated.

A number of local governments indicated that they are achieving good practice in the area of community engagement and suggested these examples be considered as a starting point for the Charter.

There was recognition from most stakeholders, including local governments, that the alignment of Strategic Community Plans and local planning strategies could be improved.

*“Consultation requirements should be calibrated to the particular planning proposal and should have regard to matters of scale, significance and the need for further consultation and refinement that may occur in the life of a planning proposal as it progresses from inception to completion.”*

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## Summary of **concerns** raised in submissions:

The local government sector suggested that the Charter be structured to allow engagement to be fluid and responsive to circumstances, reflective of the local government's size and resourcing abilities, the community's expectations and the proposal's scale and significance. Numerous submissions noted that community consultation processes should be accompanied by easily-understandable information that defines the key matters for which community feedback is being sought. This will assist stakeholders in better understanding the scope of matters for which feedback can be provided and considered by decision-makers.

A number of submissions from the development industry and local governments noted that care should be taken in preparing the Charter to clarify that consultation is one consideration in planning decision-making and not determinative, in order to manage community expectations as to the outcomes of engagement processes.

Some local governments advised that Strategic Community Plans and Local Planning Strategies have different purposes, timeframe outlooks and review cycles. Concerns were raised on the practicalities of concurrent processes for preparing and aligning these instruments, particularly if community aspirations are not aligned with State objectives.

## Submission Theme 10: Reasons for decisions

### Green Paper proposals:

- 3.3.1: DPLH to publish a Guide as to the Scope of Reasons by Planning Decision Makers, having regard to the Queensland model.
- 3.3.2: Provide in the LPS Regulations that reasons for decisions are to be provided on planning proposals.

There was **support** for this proposal, across most stakeholder groups, as shown at *Figure 10.1*. In total, 141 submissions were received regarding this proposal.

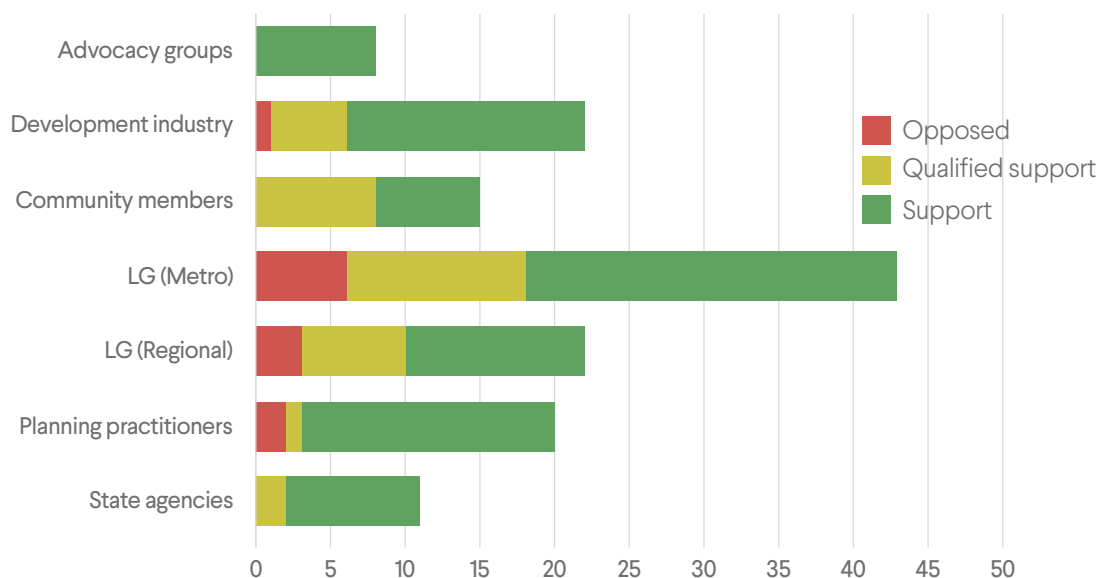


Figure 10.1: Response to Green Paper proposals, displayed by stakeholder categories

**The majority of stakeholders expressed support** with a common view that these reforms could improve decision-making and community understanding of decisions. It was noted that further detail is required on the scope and content of the reasons for decisions. Some stakeholders noted that the requirement to provide reasons for decisions should be extended to the State Administrative Tribunal (SAT) and State Government.

Some stakeholders queried whether there may be implications on review and reconsideration processes. It was also noted the proposal would impact resourcing and could extend timeframes for decisions to be provided. Some expressed a view that publishing officers' reports would be more beneficial. There were also queries about which stages and decisions the requirement would apply to, for example would referral agencies be required to provide reasons.

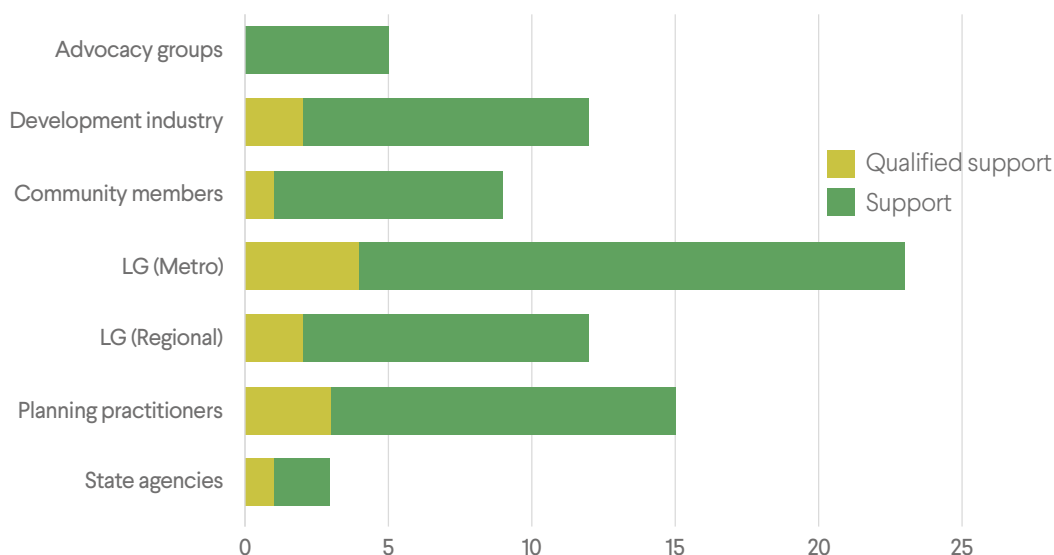


## Submission Theme 11: Transparency of Western Australian Planning Commission statutory reports

### Green Paper proposal:

3.4.1: WAPC practice be modified to publish Statutory Planning Committee and WAPC agenda items, reports and recommendations on region and local schemes and amendments.

There was **clear support** for this proposal from all stakeholder groups, as shown at *Figure 11.1*. In total, 79 submissions were received regarding this proposal.



*Figure 11.1 Response to Green Paper proposal, displayed by stakeholder categories*

**There was overall support** for this proposed reform, with a widespread view it would improve transparency and assist local government, industry and the community to better understand decisions made by the SPC and WAPC. Stakeholders noted that the reform would align the meeting practises of the SPC and WAPC with those of other planning decision-makers, including local governments and Development Assessment Panels (DAP).

Some members of the planning profession noted that there may be circumstances where particular items should remain confidential, such as those pertaining to certain financial or legal matters.

A number of local government stakeholders suggested that agenda items, reports and recommendations on local planning strategies should be publically available. Local government submitters also proposed that greater notice be given in the publishing of agendas prior to meetings.

Some planning professionals and members of the local government sector suggested that meetings should be recorded and be open to the public to attend, in a manner similar to council and DAP meetings.

## Submission Theme 12: Reporting by local and state government on planning matters

### Green Paper proposal:

3.5.1: Provide in regulations mandatory reporting by local government on planning matters.

There was **qualified support** for this proposal. In total, 77 submissions were received regarding this proposal.

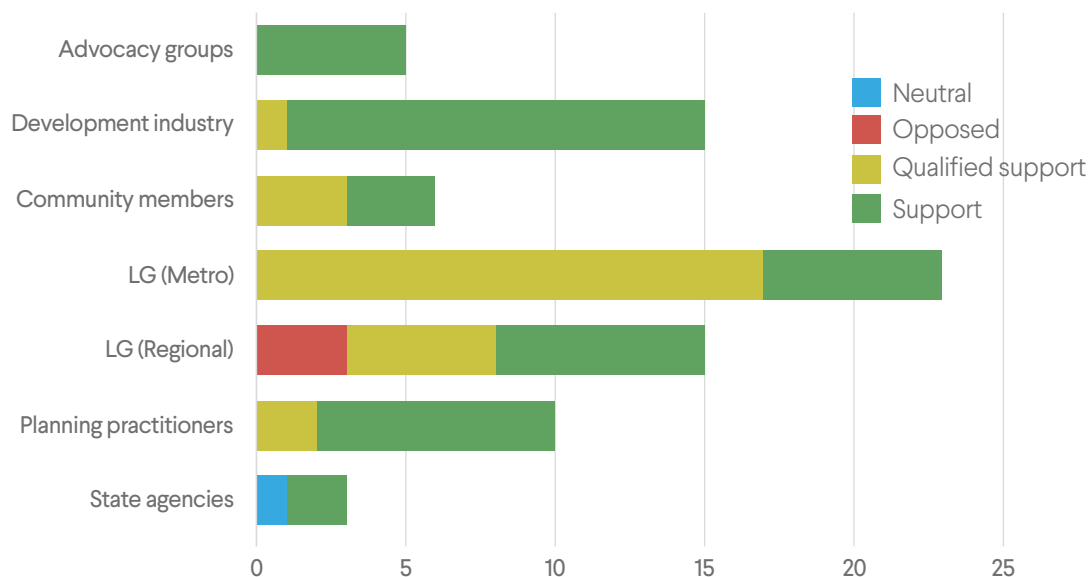


Figure 12.1: Response to Green Paper proposal, displayed by stakeholder categories

### Key feedback received:

- **Clear support** from industry for regular reporting by local governments on planning matters and from all stakeholders for regular reporting by DPLH and WAPC.
- **Qualified support** from local government stakeholders, with mixed views regarding what data should be collected and how this should be presented.

## Summary of **support** expressed in submissions:

The majority of stakeholders agreed that reporting on planning performance was a necessary improvement to the WA planning system, which would improve transparency and incentivise compliance with statutory timeframe requirements. Many stakeholders suggested that the reporting requirements also apply to DPLH and WAPC.

A number of local government stakeholders noted they were already participating in planning performance monitoring through WALGA.

*“Increased reporting by State Government would [also] help deliver a more transparent and accountable planning system.”*

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## Summary of **concerns** raised in submissions:

The local government sector sought further detail about the arrangements for reporting and definition of the matters that would be subject to reporting. Some made suggestions as to what matters should be included or excluded.

Planning practitioners and local governments agreed that reporting on planning performance should include quantitative and qualitative factors, and that reports are presented in a manner that recognises the variability of applications processed by different local governments across metropolitan and regional WA.

Some local government submitters expressed a concern that mandatory reporting could result in a focus on achieving statistical targets to the detriment of facilitating good planning outcomes. They also noted that performance reporting requirements should not be so onerous as to divert resources away from core planning functions.

Some planning practitioners foreshadowed the risk of an increase in the number of refusals and approvals with problematic conditions being issued in order to comply with statutory timeframes.

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## Alternative/additional ideas provided in submissions:

- Submitters from the local government sector suggested a 'stop-the-clock' mechanism be provided within regulations so that reporting data is not unreasonably skewed by applications where further information is required.
- Some regional local governments recommended that there be a minimum threshold, such as the volume or value of applications, before reporting is required.

## Submission Theme 13: Development Assessment Panels – meeting processes

### Green Paper proposals:

3.6.1: Provide for DAP meetings to be held at regular times and outside of business hours.

3.6.2: Provide for the recording of each DAP meeting and that it is made available on the DAP website of DPLH.

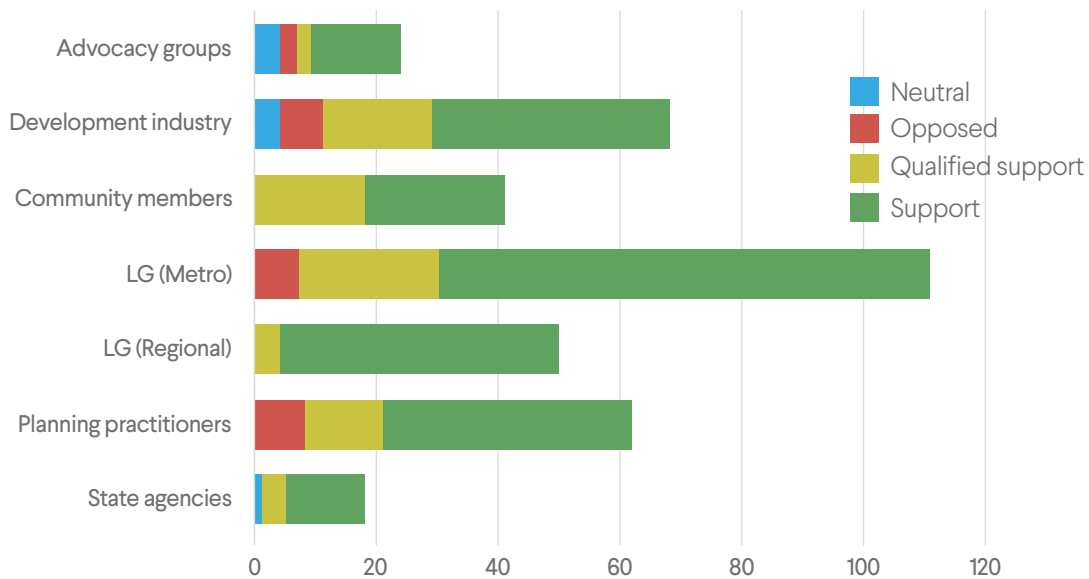
3.6.3: Provide clarification in DAP Practice Notes:

- i. If new information is submitted to DAP after a RAR, the DAP should consider whether a decision should be deferred pending further RAR advice; and
- ii. as to when it may be appropriate to defer a decision, such as where issues are raised which require detailed technical consideration by responsible authorities.

3.6.4: Amend the DAP Practice Notes to require reasons for decisions to be given in all decision made by a DAP, including where the DAP adopts the responsible authority's recommendation contained within the RAR.

3.6.9: Provide for an expanded and flexible meeting process where the DAP Presiding member is of a view, in relation to an application for development that wider community and local government viewpoints need to be examined.

There was **support** for these proposals, as shown at *Figure 13.1*. In total, 374 submissions were received regarding these proposals.



*Figure 13.1: Response to Green Paper proposal, displayed by stakeholder categories.*

### Key feedback received:

- **Support** for regular meeting times, but **some opposition** to meetings being held outside business hours.
- **Clear support** for DAP meetings to be recorded and made publicly available, with **some concerns** regarding use of the recordings.
- **Support** for enabling DAP decisions to be deferred to obtain further information/advice, with **some concerns** regarding the potential impact on decision timeframes.
- **Clear support** for the requirement to provide reasons for all decisions made by DAPs.
- **Qualified support** for expanded and flexible DAP meeting process for complex matters.
- **Some concerns** regarding the risk of extended application processing timeframes.

### Summary of support expressed in submissions:

There was widespread support for DAP meetings to be held at regular times and for meetings to be recorded.

Stakeholders provided qualified support for expanded and flexible DAP meeting processes to allow for closer examination of complex proposals and greater engagement with the community. There was also broad support to providing for decisions to be deferred where additional or new information is presented, subject to further consultation to determine how this process would operate in practice.

*“The principle of improving transparency and accountability for DAPs is supported.”*

The majority of submitters supported reasons being provided for all decisions made by DAPs. It was generally acknowledged that this requirement would assist in improving transparency, accountability and consistency of DAP decisions.

### Summary of concerns raised in submissions:

While some potential benefits are recognised, numerous stakeholders expressed the view that holding DAP meetings outside business hours would place significant burden on DAP members, State and local government staff and other planning professionals. It was recognised that community members may only attend an occasional or small number of meetings, while other attendees would be required to attend on a regular basis, with impacts on costs, as well as personal impacts on staff involved.

A number of submissions from the local government sector and development industry groups raised concerns that audio recordings could hinder frank and open discussion due to the potential for recordings to be used as evidence in legal proceedings.

While a level of flexibility in meetings was generally supported, there were concerns from most stakeholder groups that it could lead to inefficiencies in decision-making, particularly if

no time limits are provided. There was concern raised that flexible meetings and the ability to defer decisions could impact on timeframes, particularly where revised documentation is presented to a council meeting being considered by a DAP.

There were also concerns raised by industry stakeholders that the wide use of a flexible meeting process could result in variations in the operation of DAPs across jurisdictions, which would be contrary to one of the key purposes of DAPs in achieving greater consistency in decision-making. Local government and industry stakeholders suggested that limitations should be placed on the extent to which meeting procedures can be modified and practice notes put in place to assist the Presiding Members in determining when a change to ordinary procedure may be required.

*“There is a risk that an expanded and flexible meeting process may lead to delays in determining applications.”*

Some submitters expressed the view that reasons for a decision are already articulated in the content of the RAR. They were of the opinion that providing reasons may require additional resources and/or may not add value to the determination process. Some planning practitioners suggested that improvements to the content and format of RARs may be sufficient to achieve a similar outcome. A number of submissions identified the need for guidance to be provided regarding the appropriate scope, content and length of the required reasons for decisions.

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## Alternative/additional ideas provided in submissions:

- Live streaming of DAP meetings was suggested as an alternative to recording, particularly where DAP meetings are hosted some distance from the location of the application or where there is likely to be a high level of community interest.
- Consider the incorporation of “stop-the-clock” procedures in the DAP process.
- Consider a process for the applicant to address concerns of a responsible authority before the DAP meeting.
- A number of submitters recommended that DPLH prepare a schedule of model development conditions, in a similar form to WAPC’s Model Subdivision Conditions Schedule, for use by DAPs in determining applications. Stakeholders expressed the view that such a guide has potential to improve the consistency and transparency of DAP decision-making.
- It was suggested by some local governments and individuals that accurately documented meetings may achieve a similar outcome to recorded meetings, particularly if ‘reasons for decisions’ are required.

## Submission Theme 14: Composition of Development Assessment Panels

### Green Paper proposals:

3.6.8: Provide for expert DAP members to be drawn from a pool of members across the State on the basis of the type and complexity of the application being heard.

3.6.11: Provide for a presiding member to be appointed also as the Chief Presiding Member to:

- i. Oversee the quality and consistency of DAP procedures and decisions (such as consistency of the use and content of conditions; the quality of RAR reports) and recommend changes to DAP procedures and Standing Orders to DPLH;
- ii. Assist in identifying panel members appropriate to sit in accordance with the basis of the type and complexity of the application being heard; and
- iii. Identify training needs for DAP members for the approval of the DG DPLH.

There was **qualified support** for these proposals, as illustrated at *Figure 14.1*. A total of 153 submissions were received on this proposal.

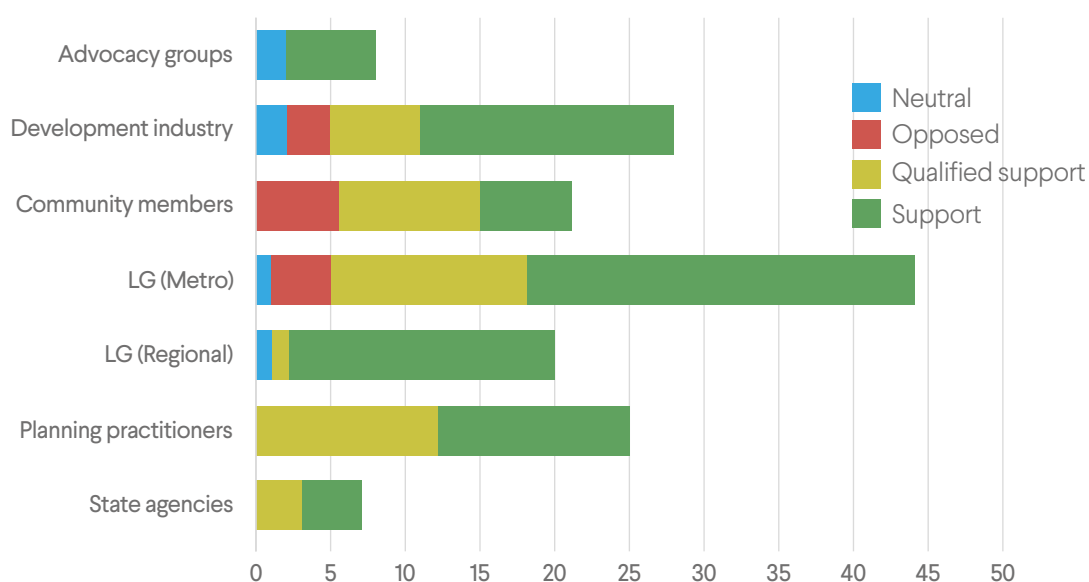


Figure 14.1: Response to Green Paper proposals, displayed by stakeholder categories



### Key feedback received:

- **Qualified support** for expert DAP members to be drawn from a pool of members with **concerns** regarding the potential for greater variability in DAP decision-making as a result.
- **Clear support** for the establishment of a Chief Presiding Member position to oversee the operation of the DAP system, subject to confirmation of the role and their responsibilities.

### Summary of support expressed in submissions:

The proposal to establish a pool of expert DAP members that could be drawn upon to hear applications, based on their type and complexity, was generally supported by the majority of stakeholders. It was acknowledged that this would provide for DAPs to be equipped with those best placed to consider and determine specific applications.

The introduction of a Chief Presiding Member position was widely seen as a beneficial reform that has the potential to improve the efficiency, consistency and transparency of the operation of the DAP system. A number of local government and industry stakeholders highlighted that the appointment of a Chief Presiding Member could deliver improved governance arrangements, outcomes and continuous improvement.

*“Providing oversight to ensure consistency of DAPs is appropriate.”*

## Summary of concerns raised in submissions:

Some planning practitioners suggested that the use of the specialist pool might only be appropriate for certain complex applications where specific technical knowledge and experience would assist in consideration of the matter and that this could be at the discretion of the Presiding Member.

A number of local government stakeholders observed that DAP members have become familiar with contextual considerations and the various elements of the local statutory and policy framework. Other local government and industry submitters outlined the benefit of the continuity of the membership of DAPs in order to provide for consistent decision-making. There was a recurrent concern that the use of expert members could lead to greater variability in DAP decision-making.

There were mixed views from stakeholders as to whether the Chief Presiding Member should also be a current DAP Presiding Member. Some submitters suggested that the Chief Presiding Member should not consider specific applications and instead focus on the operation of the DAP system. It was also considered that the Chief Presiding Member could have powers to review the actions of DAPs to achieve consistency. A number of submitters from the local government sector requested further information regarding the potential scope of the Chief Presiding Member's role, the manner in which they would be appointed and their associated accountability and reporting framework.

## Alternative/additional ideas received:

- A number of local government submitters recommended that a panel of technical experts be available to assist DAP members with their consideration of complex applications, but should not form part of the composition of the DAPs. This was seen to retain consistency of DAP decision-making, while assisting DAP members with their consideration of complex applications.
- Some local government submitters suggested that the Chief Presiding Member could oversee the formulation and implementation of a model schedule of development approval conditions to improve the consistency of DAP decision-making.

## Submission Theme 15: Development Assessment Panels – Procedures for matters subject of SAT review

### Green Paper proposals:

3.6.5: Provide for a requirement that applications amended through a SAT process are readvertised unless the amended plans comply with all the development standards.

3.6.6: Provide that where a DAP has been invited to reconsider its decision following a SAT mediation, new specialist members be drawn from the available pool of members.

3.6.7: The SAT should consider preparing a framework for allowing parties with a sufficient interest in a matter to make a submission or be heard during SAT mediation of DAP matters.

There were **mixed views** among different stakeholders as illustrated at *Figure 15.1*; with significant opposition to Proposal 3.6.6 as shown at 15.2. A total of 230 submissions were received on this proposal.

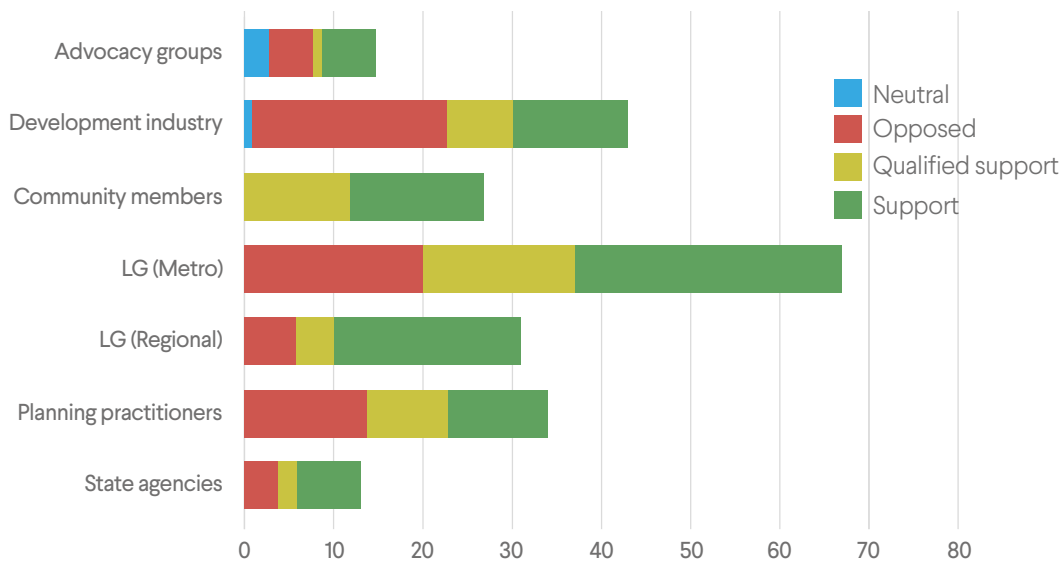


Figure 15.1: Response to Green Paper proposals, displayed by stakeholder categories

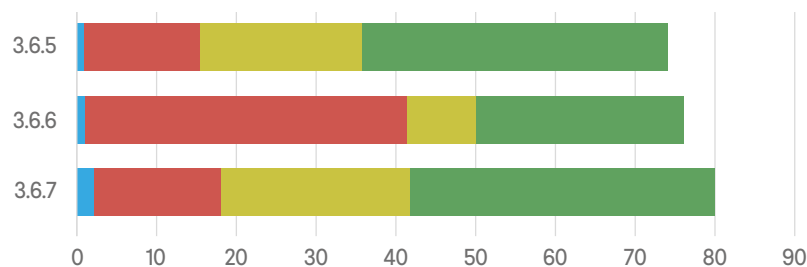


Figure 15.2: Response to individual Green Paper proposals

### Key feedback received:

- **Mixed views** on the suggestion that applications amended through a SAT process be readvertised, with concerns expressed about potential impact on timeframes.
- **Opposition** to the proposal that new DAP specialist members be called upon to reconsider a DAP decision following a SAT mediation, due to potential inconsistencies in decision-making.
- **Support** to providing better information to third parties on how they can be involved in SAT reviews of DAP matters. However, it was noted that more clarity is required around the extent of such involvement.

### Summary of **support** expressed in submissions:

The proposal to require all DAP matters amended through a SAT mediation process to be readvertised provoked mixed views, with weak support overall to this becoming a mandatory step. Many submissions suggested that guidance be prepared on when readvertising should be undertaken and that a pragmatic rather than mandatory approach was required.

A majority of submissions indicated some support for improved clarity around the involvement of the community as part of the SAT process. It was noted, however, that more guidance is required on when community members should be able to participate and to what extent they may be able to be involved. A number of key stakeholders misunderstood this as a proposal for third party appeals and did not support the proposal on that basis.

### Summary of **concerns** raised in submissions:

There was a high level of opposition to the proposal that new DAP specialist members be called upon to reconsider a DAP decision following a SAT mediation. Stakeholders noted that the original specialist members establish knowledge of a matter and are therefore the most appropriate to be involved. New members would have to review all the documentation and would not have the detailed knowledge established through the SAT process. This would likely result in inconsistencies in decision-making.

## Submission Theme 16: Development Assessment Panels – WAPC retains decision-making under Region Schemes

### Green Paper proposal:

3.6.10: Provide in the DAP Regulations that WAPC retains its decision making ability with respect to development applications under region schemes.

There were **mixed views** on this proposal among different stakeholders. A total of 64 submissions were received on this proposal.

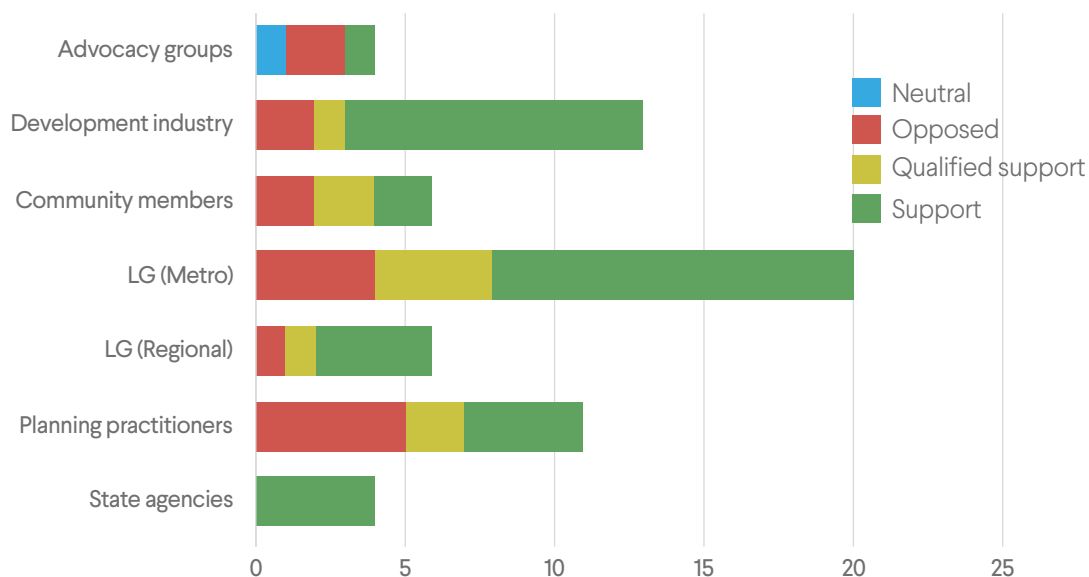


Figure 16.1 Response to Green Paper proposals, displayed by stakeholder categories

Overall, there were mixed views on this proposal, with a number of stakeholders supporting the proposal, acknowledging WAPC as the highest order planning authority in Western Australia with a role to determine matters of State or regional importance.

However, some respondents were of the view that the proposal goes against the Green Paper's push for the WAPC to be more strategically focussed. Respondents highlighted that one of the reasons for the introduction of DAPs was to

remove the duplication between local planning and regional planning approvals. Stakeholders were unclear as to the reason for a return to pre-DAP processes and were concerned that the proposal could lead to inconsistent decision-making, delays and inefficiencies.

The suggestion was made that, as an alternative, local government DAP members could be replaced by two WAPC representatives for decisions under the Metropolitan Region Scheme.

## Key Reform 4: An efficient planning system

### Submission Theme 17: WAPC membership, structure and responsibilities

#### Green Paper proposals:

- 4.1.1 Provide that the Act be amended to delete the WAPC function s14. (a)(ii) of advising the Minister for Planning on the administration, revision and reform of legislation.
- 4.1.4: Provide for the Act to be amended to:
- i. Revise the membership of the WAPC from 16, to five – seven members to have experience, skills or knowledge. [Nine fields of expertise were proposed in the Green Paper]
  - ii. Remove committees of the WAPC from Schedule 2, in favour of an ability for the WAPC to establish committees to advise that Commission on any matter, recognising the Statutory Planning Committee and Executive, Finance and Property Committee carry out core functions of the WAPC and will be required immediately under this new system. A committee would consist of at least one member of the Commission who is to be the chairperson on the committee.
- 4.1.5 The role and purpose of a Coastal Planning Committee be reviewed, and consideration be given to the most appropriate host organisation and regulatory framework for the Committee.

There were **mixed views** on these proposals with significant opposition to amending the functions of WAPC and broad support for review of the coastal planning committee. A total of 197 submissions were received regarding these proposals.

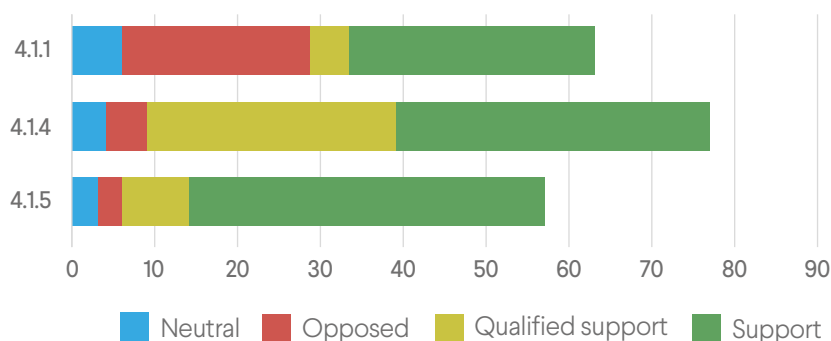


Figure 17.1 Analysis of submissions by proposal.

### Key feedback received:

- **Qualified support** for revising the membership of the WAPC with a view among some stakeholders that maintaining active State Government agency engagement is necessary and important.
- **Mixed views** on the preferred size of the WAPC and the areas of expertise that should be represented.
- **Broad support** for the WAPC having the ability to form and dissolve committees as needed, and for a review of the purpose and function of the Coastal Planning Committee.
- **Mixed views** and some opposition regarding a suggestion to amend the Act to delete the WAPC function of advising the Minister for Planning on legislation.

### Summary of support expressed in submissions:

Industry stakeholders expressed in principle support for a clear delineation of the roles and responsibilities of the WAPC and DPLH and for reform of the WAPC to ensure that it has an appropriate structure and the necessary expertise available to fulfil its State-wide strategic planning and State Planning Policy functions.

A range of stakeholders offered support for the removal of the public sector Directors General from the WAPC, but noted an ongoing need for senior level engagement between the agencies and the WAPC. Other stakeholders opposed the proposal.

There was broad support across stakeholder groups for the WAPC having the ability to form and disband committees as needed. The local government sector and some planning practitioners acknowledged the increasingly important role of coastal planning and supported a review of the current committee's purpose, function and governance arrangements to ensure it could fulfil its function effectively. Some stakeholders also noted that interstate and international jurisdictions have enacted coastal management legislation and associated governing bodies and that similar arrangements may be needed in Western Australia.



## Summary of concerns raised in submissions:

A significant number of stakeholders were of the view that the WAPC should continue to provide advice to the Minister on legislative matters. Stakeholders also expressed the view that the responsibility to advise the Minister on administrative matters could be delegated to DPLH without the need for legislative change.

A number of submitters expressed the view that the public sector agency Directors General should be retained on the WAPC to facilitate collaboration, provide for alignment between the goals of the WAPC and these agencies and ensure adherence to the WAPC's strategic direction. Half of State Government agency respondents opposed this proposal and half were neutral.

Submitters also provided wide ranging views on the range of disciplines that should (and should not) be represented in the membership of the WAPC. Overall, concerns were raised that the reduced membership of the WAPC would not be able to adequately cover the required expertise. There was also a concern expressed that appointment of specialists could result in more instances of perceived or actual conflicts of interest, which may serve to undermine the community's trust in the WAPC.

## Alternative/additional ideas provided in submissions:

- Some local governments suggested that the power to establish and disband committees should rest with the Minister, on the advice of the WAPC.
- Some planning practitioners and local governments recommended that officers of DPLH be ineligible for membership of the WAPC or its committees to clearly separate the roles and responsibilities of the decision-maker and the administration that serves the decision-maker.
- It was also suggested that District Planning Committees be reactivated as a forum to provide advice to the WAPC on strategic planning matters, such as facilitating the infill development outcomes outlined in *Perth and Peel@3.5 million*.

### **DPLH resourcing of WAPC Green Paper proposals 4.1.6, 4.1.7, 4.1.8 and 4.2.1:**

These proposals received broad support from all stakeholders with 88%, 70%, 78% and 82% of support respectively. The WAPC and DPLH will respond separately on these proposals.

## Submission Theme 18: Local government accreditation and delegation of responsibility

### Green Paper proposals:

4.1.2: Provide for a local government accreditation process.

4.1.3: Increase delegations from WAPC to DPLH and local government, for the purpose of the WAPC focussing on the State policy framework and regional strategic planning.

There was **qualified support** for both proposals among different stakeholders, as illustrated at Figure 18.1. A total of 175 submissions were received on this proposal.

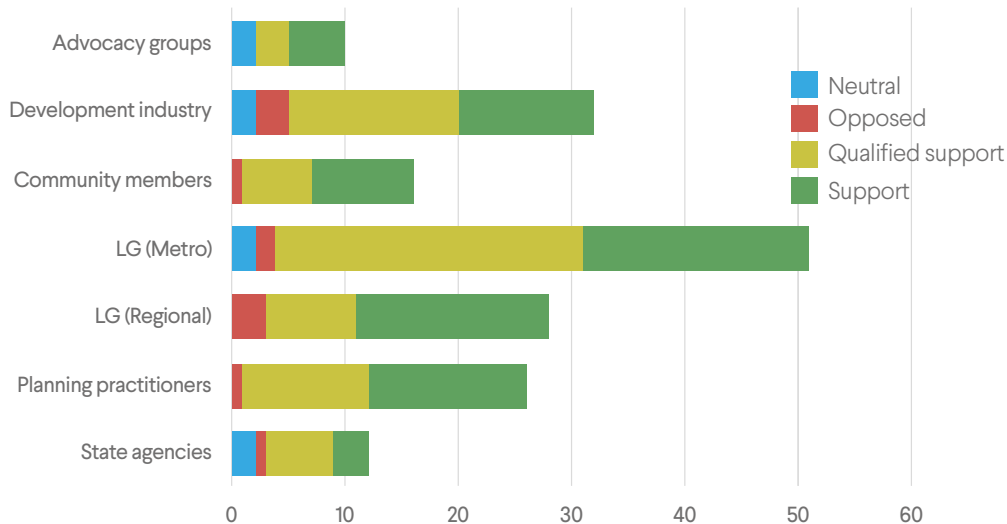


Figure 18.1: Response to Green Paper proposals, displayed by stakeholder categories

The proposals for local government accreditation and increased delegation from the WAPC to DPLH and local government received qualified support, with most stakeholders requesting further information on how the accreditation system would work and the implications thereof. Industry stakeholders noted a regular audit and review process of accreditations would need to be in place.

There was concern that the delegation of decisions to local government could result in inconsistent decision-making across the State and may result in increased timeframes due to resourcing issues. Some stakeholders considered that the current hierarchy for planning

decision-making was working well and should remain. Many local government submissions noted that any increase in responsibility will need to be accompanied by a review of current fee structures.

A number of industry submissions suggested that, if delegation of decisions was extended to local government, review and/or control measures would need to be in place such as:

- requests for reconsideration or SAT reviews being responded to by the WAPC rather than the local government
- limits on the numbers and types of conditions that could be imposed.

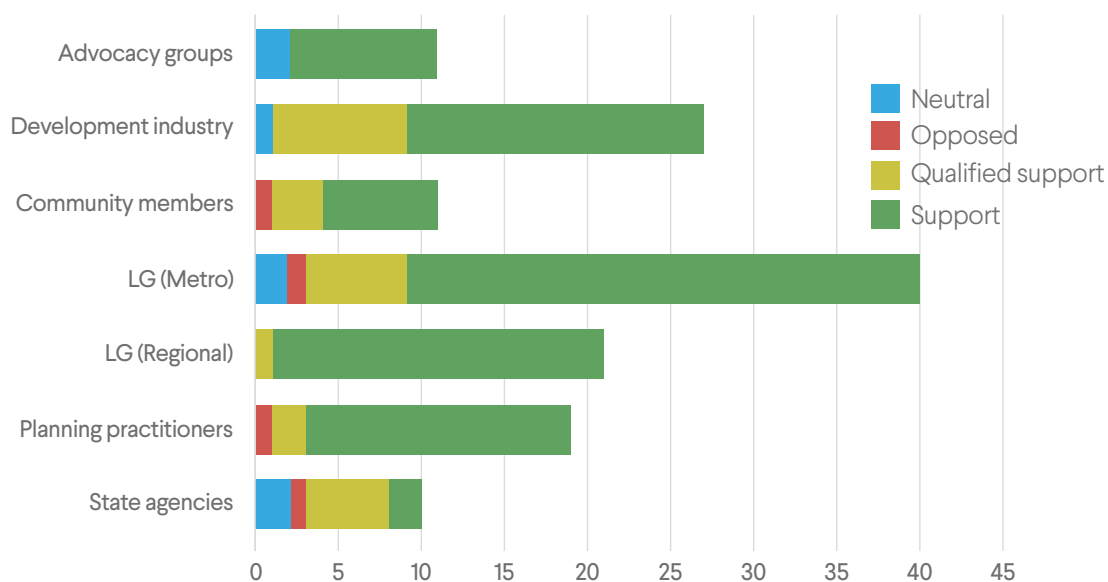
## Submission Theme 19: Planning referrals

### Green Paper proposals:

4.2.2: A framework for referral of planning applications, to be incorporated in regulations as appropriate.

4.2.3: As an interim arrangement, the DPLH Independent Planning Reviewer be available to assist on issues regarding referral for WAPC matters.

There was **clear support** for both proposals among different stakeholders, as illustrated at *Figure 19.1*. A total of 139 submissions were received on this proposal.



*Figure 19.1: Response to Green Paper proposals, displayed by stakeholder categories*

## Summary of **support** expressed in submissions:

Stakeholders expressed a view that the existing referral system often fails to achieve timely and balanced outcomes, and that a key impediment to delivering efficient decisions is the current response times of referral agencies.

Stakeholders also suggested that decision-makers, including the WAPC and DPLH, take a more pro-active role in reconciling referral comments and evaluating the appropriateness, applicability and implications of the advice and conditions recommended by other agencies. State Government agencies identified that the WAPC and DPLH often act as an intermediary where advice is conflicting between agencies, but the development industry supported the principle of an Independent Planning Reviewer or interim body to mediate outcomes.

Stakeholder groups recommended that the proposed framework should provide further guidance on what applications should be referred, to which agencies, and the matters that are to be considered by those referral agencies. It was also emphasised by industry groups and practitioners that referral agencies should only provide advice within their jurisdiction and any advice be underpinned by relevant policies or strategies, in order to provide for greater transparency, consistency and efficiency. In particular, major industry groups highlighted the need for referrals to raise and address key matters during earlier stages of the planning process to create a greater level of certainty.

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## Summary of **concerns** raised in submissions:

State agencies and the local government sector stated that further clarity was required regarding practical implementation of the Independent Planning Reviewer role, including accountability and reporting, and how they would compel cooperation in resolving points of disagreement.

The local government sector raised a concern that although referrals and greater cooperation may be required, in some situations, decisions under the *Planning and Development Act 2005* do not bind other State agencies.

*“Without effective engagement at the strategic planning level, [it] is likely that the problems currently experienced regarding referral agencies could be further intensified.”*

## **Alternative/additional ideas provided in submissions:**

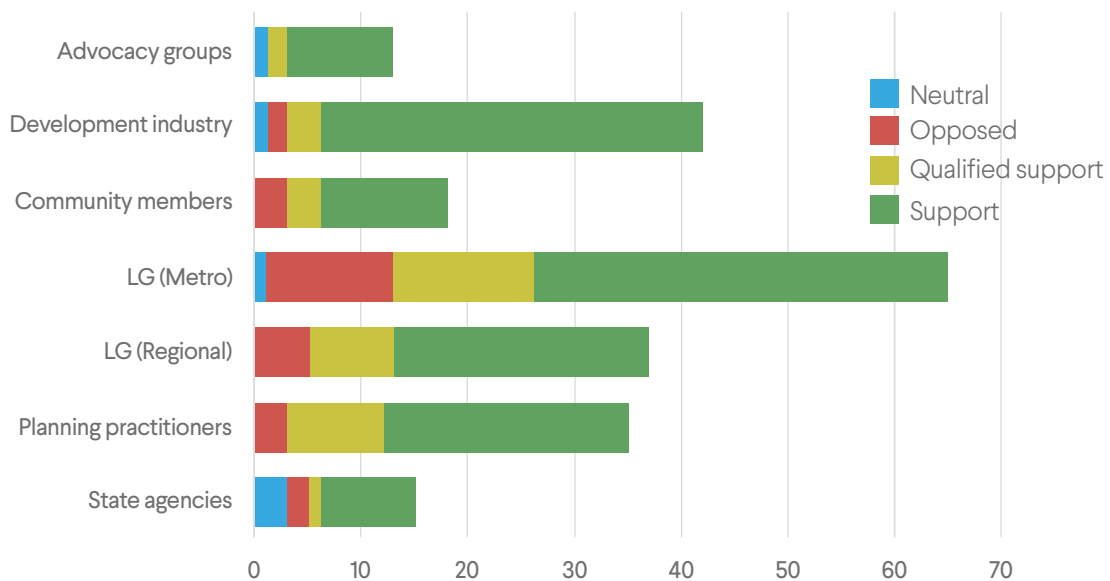
- It was suggested by industry groups that the efficiency and effectiveness of the involvement of referral agency roles in all aspects of the land use planning decision-making process be comprehensively reviewed, with consideration given to current and future capacity.
- It was suggested that certain basic scheme amendments should not require referral to the EPA unless determined to be necessary by DPLH and/or WAPC.
- Some local governments suggested that the performance of referral agencies be reported on in order to achieve compliance with timeframes, improve transparency and assist in identification of areas requiring improvement.
- Stakeholder groups suggested that an interactive online map be developed, with layers of referral agency interests that identify the triggers for referral. It was suggested that a mapping system will assist with the consistency of referrals and improve certainty for applicants.
- The local government sector suggested that pre-lodgement advice should be encouraged and incorporated in the framework for referral of planning applications, in line with Green Paper proposal 4.2.4.

## Submission Theme 20: Development assessment processes

### Green Paper proposals:

- 4.2.4: Provide in regulation that an applicant may seek pre-lodgement advice for development applications.
- 4.2.5: Development Assessment Guidance be published by DPLH in consultation with local government and industry bodies.
- 4.2.6: Provide in the LPS Regulations that a local government must advise an applicant with 10 business days of receipt of a development application whether additional information is required.

There was **support** for both proposals among different stakeholders, as illustrated at *Figure 20.1*. A total of 225 submissions were received on this proposal.



*Figure 20.1: Response to Green Paper proposals, displayed by stakeholder categories*

### Key feedback received:

- **Clear support** across all stakeholder groups for the opportunity for pre-lodgement advice to be sought and given as part of the development application process but **mixed views** regarding how this process should occur and the status of the advice provided.
- **Broad support** for the preparation of Development Assessment Guidance by DPLH.
- **In-principle support** for the introduction of a timeframe by which additional information may be requested for a development application with **mixed views** on the practicality of the proposed 10-business day timeframe.

### Summary of support expressed in submissions:

The principle of pre-lodgement advice, with consistent processes state-wide, was generally supported. The local government sector offered a range of views regarding how the pre-lodgement process should operate, with concerns about the capacity of planning officers providing early advice without delegated decision-making authority and the inability to provide definitive advice without a complete application. Local governments also indicated the need to charge a fee for this service.

There was broad support from industry and the local government sector for the publishing of Development Assessment Guidance, noting this would be beneficial in standardising procedures across the State and helping the community to better understand the process.

The introduction of a timeframe for requests for additional information was strongly supported by the development industry and practitioners. Some local government stakeholders noted that the proposed 10-business day timeframe may assist in the early identification of complex applications that are likely to require additional attention.

*“Providing for a timeframe within which initial additional information will be required will ensure that the applicants are satisfied that the process is underway and isn’t being unnecessarily delayed.”*



## Summary of concerns raised in submissions:

Some industry stakeholders and planning practitioners expressed concern that a mandatory pre-lodgement process would add another step, and more red tape, to the application process. Others queried the benefit of formalising the process if the advice provided is non-binding.

A number of local governments did not support the proposal to publish Development Assessment Guidance, as they were of the view that sufficient guidance is already in place.

Local governments argued the proposed 10-business day information request period was in-sufficient to undertake a preliminary assessment. They suggested alternatives of 15-20 days, or linking the timeframes to a track-based approach. State government agencies also expressed the view that the 10-business day proposal would not be sufficient for complex applications. Some planning practitioners expressed the view that regulating a specific timeframe for information requests might lead to a more risk-adverse culture whereby unsubstantiated requests for additional technical information are made to cover all potential issues or eventualities.

## Alternative/additional ideas provided in submissions:

- Some industry stakeholders suggested that pre-lodgement processes should include prescribed timeframes for the provision of advice and a written record of advice.
- Pre-lodgement could be incentivised by deducting the fee from the application or offering quicker assessment timeframes upon lodgement if a pre-lodgement service is used.
- It was suggested that a formal pre-lodgement advisory process could be extended to other planning matters, such as scheme amendments, structure plans and scheme amendments.
- It was suggested that the proposed timeframe to request additional information should also apply to the WAPC/DPLH in its consideration of subdivision and development applications.
- One industry submissions suggested the 10-business day timeframe for additional information could potentially only apply to simple applications (such as Class 1 and 10 buildings).

## Submission Theme 21: Fast-track assessment for single houses

### Green Paper proposals:

4.2.13: Provide in the LPS Regulations for a voluntary 'deemed-to-comply' check for single houses and provide in the PD Regulations a specified fee for the service.

4.2.14: Provide in the LPS Regulations and R-Codes a fast-track 30-day planning approval process for single house applications that require only minor variations to the R-Codes.

There were **mixed responses** to both proposals. A total of 149 submissions were received on these proposals.

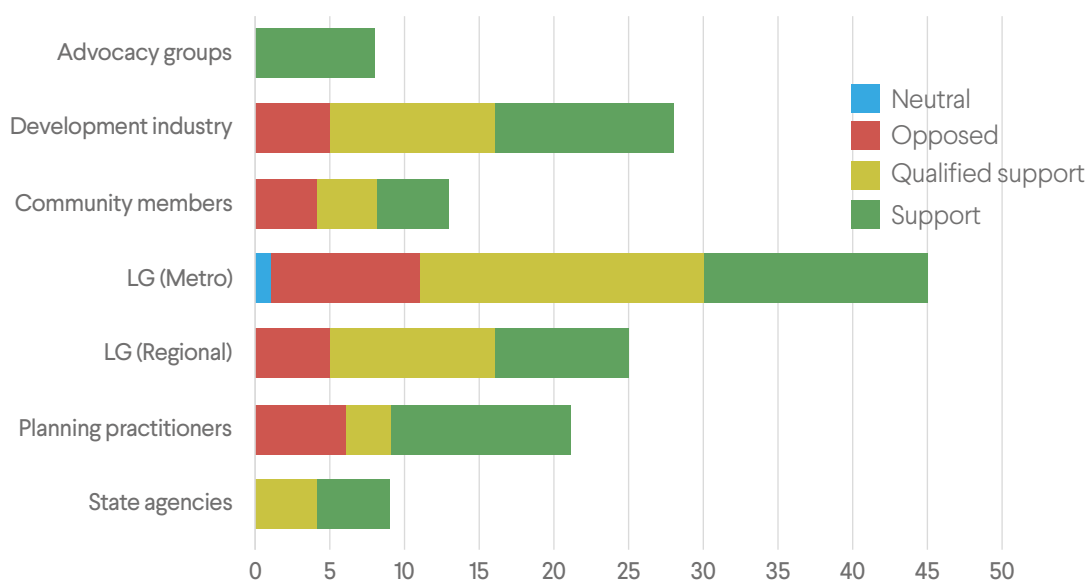


Figure 21.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Support** for a voluntary 'deemed-to-comply' check for single houses.
- **Mixed views** on the provision of a fast-track assessment process for minor variations to the R-Codes requirements, with clarification required on the definition of minor variations.
- **Concern** that the proposed fast-track assessment process only considers the R-Codes and not those local planning policies that vary the R-Code requirements.

## Summary of **support** expressed in submissions:

The proposal for a voluntary 'deemed-to-comply' check for single houses was generally supported by stakeholders, as it would provide more clarity to applicants and promote best practice. Further information was requested on whether this 'deemed-to-comply' check would only apply to the R-Codes or also to relevant local planning policies.

Industry stakeholders largely supported the implementation of a fast-track application process, as it was seen as having the potential to improve efficiency and clarity. The local government sector, however, was more hesitant to such a proposal and requested information regarding what might constitute an eligible "minor variation" for the fast-track process.

*"Fast track applications will serve to provide clarity to applicants that a proposal meets the deemed to comply provisions and minor variations. Having a fast-track approvals process of 30 days maximum for planning assessment formally in a DA, is a significant step in the right direction."*

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## Summary of **concerns** raised in submissions:

Some local government submissions raised concerns about the implication 'deemed-to-comply' checks will have on resources, as it is likely to require officers to do additional assessments. Some industry stakeholders advised they would oppose the proposal if it was a check that became mandatory.

Those submissions opposing the fast-track application proposal relate mainly to the concern that even "minor variations" can impact neighbourhood and streetscape amenity which requires advertising to neighbours and a longer assessment timeframe. There is also concern that if "minor variations" are considered appropriate for a fast-track process that there will be a perception that these variations are considered as of right, and poor amenity outcomes may eventuate as a result.

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## Alternative/additional ideas provided in submissions:

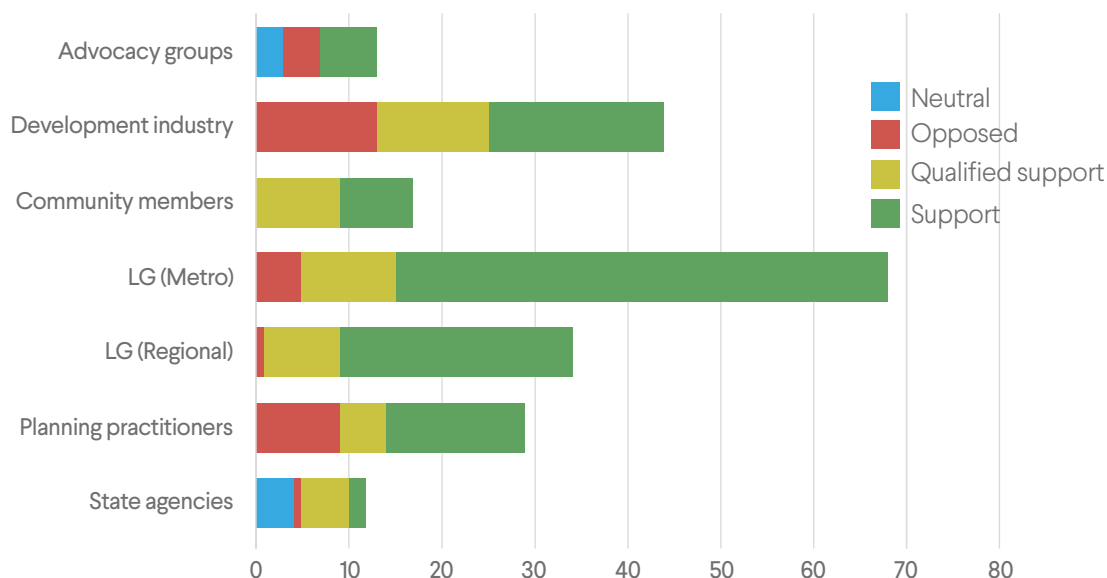
- It was suggested that, rather than introducing a fast-track assessment process, the R-codes be reviewed and those variations considered "minor" be made deemed-to-comply.
- Some local government delegations should be reviewed to assist in implementing the fast-track application process to reduce Council involvement in applications.

## Submission Theme 22: Structure plan processes and effect

### Green Paper proposals:

- 4.2.7: Provide a procedure for local government and developer proponents to agree upfront the scope and content of a local structure plan with DPLH and other agencies as appropriate.
- 4.2.8 Provide in the PD Act that the implementation section (part one) of approved structure plans and activity centre plans are to be read as part of the scheme and have the “force and effect” of the scheme.
- 4.2.9: Provide in the LPS Regulations that local government may refuse to progress a local structure plan or activity centre plan and amendment, if it is of the view that the proposals lacks sufficient planning merit. The amendment should also include ability for a proponent affected by such a decision to seek the views of the WAPC and the power for the WAPC to direct a local government to progress a proposal.

There was **qualified support** for the proposals, with some qualifications and opposition among different stakeholders as illustrated in *Figure 22.1*. A total of 217 submissions were received on these proposals.



*Figure 22.1: Response to Green Paper proposals, displayed by stakeholder categories*

### Key feedback received:

- **Support** for upfront agreement on the scope and content of a local structure plan, with the exception of State Government agencies who provided qualified support or opposition.
- **Mixed views** on the proposal that a local government be able to not progress a structure plan or activity centre plan proposal if it is of the view that the proposal lacks sufficient planning merit.
- **Mixed views** as to whether structure plans should have the force and effect of the scheme or retain their current due regard status in the planning framework.

### Summary of support expressed in submissions:

The proposal for upfront agreement on the scope and content of a local structure plan was supported to ensure issues can be resolved proactively and structure plan requirements are proportional to the needs of an area.

The local government sector supported the proposal to allow local governments to refuse to progress a Structure Plan, Activity Centre Plan or amendment where it forms the view that it does not have planning merit and is not consistent with the strategic framework.

Giving structure plans the force and effect of the scheme was supported by many local governments, who expressed the view that changes to the status of structure plans in the planning hierarchy has been detrimental and resulted in structure plans having a reduced standing and validity. Outer metropolitan local governments in particular supported the reform proposal. Some development industry representatives supported the proposal on the grounds that:

- the change to their status has led to the proliferation of Local Development Plans being used in a manner and at a scale far beyond what was originally intended
- the “due regard” status has effectively removed the ability for claims for injurious affection to be pursued for land identified for reserves until the structure plan is normalised and the land is reserved in the scheme
- communities would benefit from increased certainty regarding development outcomes
- the structure planning process is costly and time-consuming and the structure plan should have the force and effect of the scheme to reflect the underpinning detail and rigour.

## Summary of concerns raised in submissions:

Industry stakeholders raised concerns that enabling a local government to refuse to progress a plan or amendment could lead to delays in the planning process. Submitters expressed the view that the right to lodge a proposal should be upheld and given due and proper consideration.

Some industry submitters and practitioners opposed the proposed reform to elevate the status of structure plans on the basis that the current due regard standing provides greater flexibility for variations without the need for formal amendment processes. This benefit was also acknowledged by some local governments. However, other stakeholders observed that the flexibility attributed to the due regard status has not materialised in practice.

## Alternative/additional ideas provided in submissions:

- Some submitters suggested that a basic scheme amendment could be progressed in parallel with a structure plan to include the content of a structure plan map and the essential development standards within the scheme, providing some flexibility while simultaneously ensuring a degree of certainty regarding key development outcomes.
- It was suggested that structure plans should be more strategic and performance-based in nature as a precursor to rezoning and not a statutory implementation mechanism.
- The need for better definition of the different types of structure plans and the appropriate circumstances in which each should be used was identified.

## Submission Theme 23: Development contributions for infrastructure

### Green Paper proposals:

4.2.10: Provide for development contribution plan cost and cost contributions schedules to be included as a schedule in local planning schemes.

4.2.11: Establish a Development Contributions Infrastructure Panel to review local planning scheme amendments that include Development Contribution Plans, with the cost of review to be included as a development contribution plan administration cost.

4.2.12: Provide for in the PD Act an ability for the Minister for Planning to:

- i. require a special report from a local government on the operation of a development contribution plan; and
- ii. instruct a local government to take particular actions for the administration of a development contribution plan.

There were **mixed views** on these proposals, with some stakeholders expressing reservations and/or opposition to proposals 4.2.10 and 4.2.12. In total, 200 responses were received to these proposals.

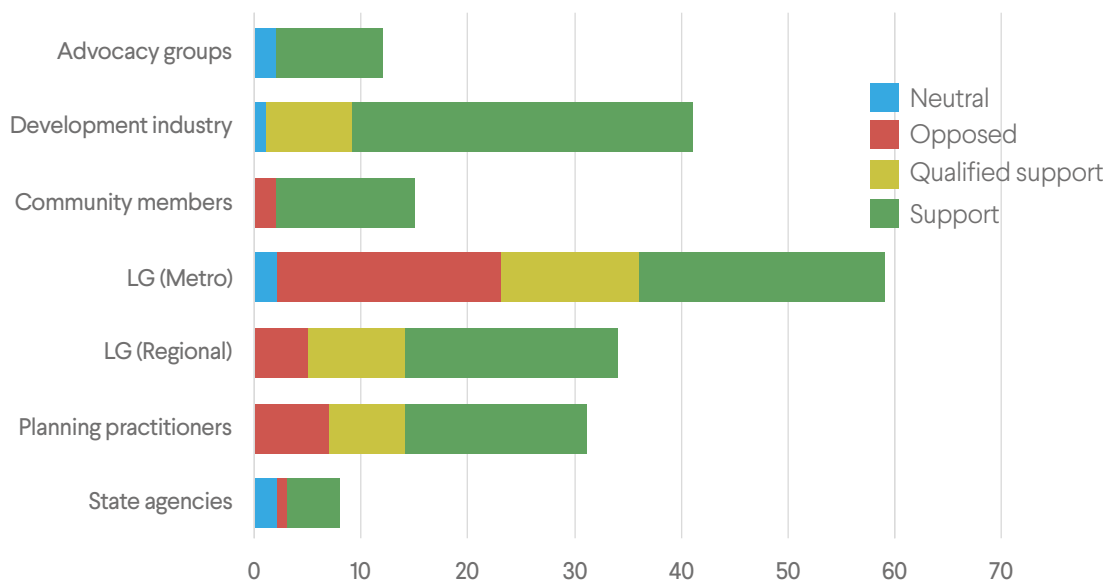


Figure 23.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Moderate support** for the introduction of development contribution plan cost and cost contribution schedules in local planning schemes, with some concern regarding practicalities.
- **In-principle support** for the establishment of a Development Contributions Infrastructure Panel to review Scheme amendments and relevant DCPs.
- **Support** regarding greater transparency for development contribution funds.

### Summary of **support** expressed in submissions:

There was general support from stakeholders to improving the visibility of development contribution plans and cost contribution schedules with some caution that it could be an administrative burden to include costs in local planning schemes, but noting that infrastructure requirements and the basis of apportionment could form part of a schedule.

There was in-principle support to the proposal to provide more oversight of development contribution plans, with some respondents suggesting DPLH ensure it has the correct expertise on hand, rather than a new panel being established to fulfil this role.

Stakeholders widely agreed that there should be better transparency and accountability over the operation of development contribution schemes and supported additional oversight from the Minister for Planning.

### Summary of **concerns** raised in submissions:

Many respondents expressed concerns about including detailed cost schedules in schemes because of the challenges in keeping this information current.

Several stakeholders questioned the establishment of a development contribution infrastructure panel with concerns raised that the involvement of a panel will result in additional steps in the process and potentially longer

consideration timeframes. Other concerns raised relate to the potential cost of implementing a panel and the impact of passing these costs on.

Some stakeholders queried the need for further reporting and additional Ministerial powers relating to Development Contribution Schemes, as this already exists in the form of annual reports and Section 211 of the Act gives the Minister the required call in power.

**Note:** A draft *State Planning Policy 3.6 Infrastructure Contributions* has been released for public comment until 2 September 2019. For more information on the draft policy and guidelines, please visit [www.dplh.wa.gov.au/draftspp3-6](http://www.dplh.wa.gov.au/draftspp3-6)



## Submission Theme 24: Track-based approach to planning activity and proposals

### Green Paper proposal:

4.2.15: A framework for “Basic”, “Standard” and “Complex” streams for region scheme amendments, local planning strategies and amendments, and local structure plan/ activity centre plans and amendments be developed by DPLH for implementation through regulation.

There was **general support** for this proposal across most stakeholder groups, as illustrated *Figure 24.1*, with some qualifications. A total of 74 responses were received in relation to this proposal.

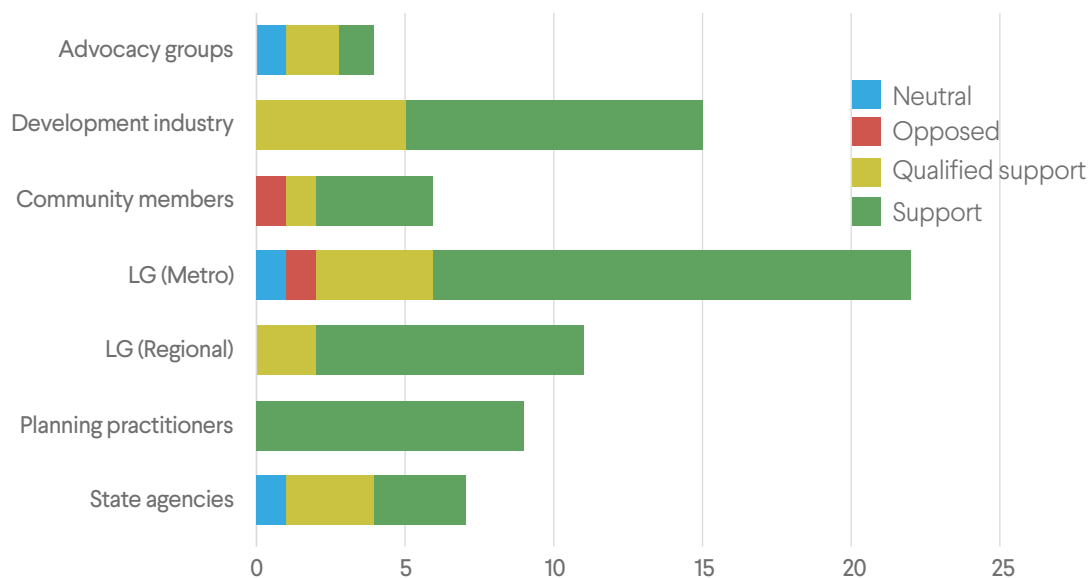


Figure 24.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Support** for the streaming of planning activity and proposals into a track-based approach, particularly to facilitate a fast-track process for minor matters while ensuring appropriate scrutiny for more complex matters.
- **Careful consideration** required to ensure streams are appropriately defined.

## Summary of **support** expressed in submissions:

Expanding the risk-based streaming of planning proposals beyond local planning scheme amendments was widely supported with a view that this approach has the potential to improve efficiency and timeliness across other planning proposals.

*"This [reform proposal] should see the benefits realised for local planning scheme amendments, being realised for other types of planning proposals."*

## Summary of **concerns** raised in submissions:

Industry groups and the local government sector cautioned that timeframes for assessment, forms of consultation and delegation of decision-making for each stream should be carefully considered as part of the proposal. There was a concern raised that if the definitions are too broad, there may be some proposals that are not given the level of scrutiny required, or others given disproportionate attention. Other submitters noted that it can be difficult to ascertain the complexity of some proposals at an early stage and the stream process needs scope to accommodate this.

Some stakeholders raised a concern that the streaming could add additional complexity to some planning processes, and should only be applied where there are clear benefits.

State government agencies and referral agencies highlighted the need for consultation to take place, regardless of the level of complexity of proposals, to ensure that all relevant issues are addressed.

## Alternative/additional ideas provided in submissions:

- It has been suggested by the local government sector that delegation of decision-making should be assessed as part of the proposal, to allow for further fast-tracking of 'basic' proposals.
- Some local governments have recommended that additional efficiencies can be achieved if EPA referrals are not required for basic administrative local planning scheme amendments.
- It was also suggested that a track-based approach be considered for subdivision and development applications.

## Key Reform Area 5: Planning for consolidated and connected smart growth

### Submission Theme 25: Prioritisation and coordination

#### Green Paper proposals:

- 5.1.1: That the State Government develops clear arrangements for the planning and delivery of the key urban infill locations of activity centres, urban corridors and station precincts, including prioritising of areas which require State and local government collaboration.
- 5.3.1: The WAPC to assist with land use and infrastructure coordination for the delivery of priority precincts through a renewed Committee.
- 5.5.1: Provision be made for advice on the forward planning of State infrastructure, including utility providers, to assist local governments in the preparation of local planning strategies and structure plans.

There was **clear support** for these three proposals, with each receiving more than 75 per cent unqualified support. There was broad support across most stakeholder groups, as depicted at Figure 25.1. A total of 230 responses were received in relation to these proposals.

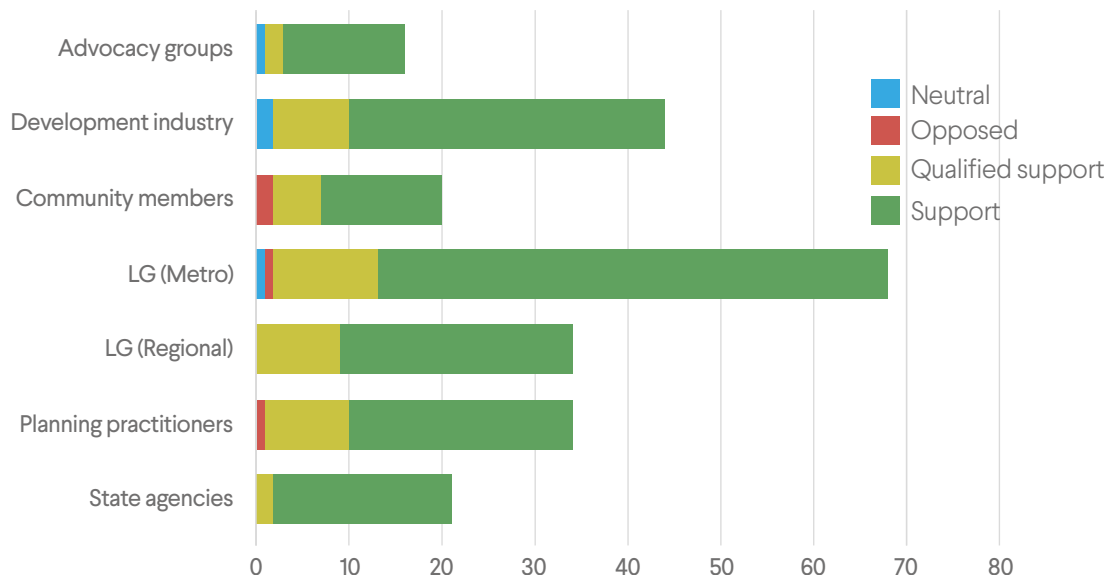


Figure 25.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Clear support** for the State Government to prioritise and coordinate the planning and delivery of key urban infill locations of activity centres, urban corridors and station precincts and improved land use and infrastructure coordination through a renewed committee.
- **High level of support** for State infrastructure plans to be made available to local governments in their preparation of local planning strategies and structure plans.

### Summary of **support** expressed in submissions:

It was widely agreed that the State Government should take a lead role in planning for key urban infill locations, and broad support was expressed for the State Government to provide more clarity and prioritise infill locations. It was noted that prioritisation should be undertaken in consultation with local governments and other stakeholders.

There was also wide support for State infrastructure plans being made available to local governments to inform preparation of local planning instruments.

The proposal for the WAPC to assist with land use and infrastructure coordination in priority precincts also received qualified support.

*“Quality infill has been best achieved through detailed planning and coordinated delivery. A more focused approach on priority areas is likely to achieve better results than simply rezoning precincts and leaving individual landowners to coordinate delivery.”*

### Summary of **concerns** raised in submissions:

The development sector voiced concerns that precincts not identified as a ‘priority’ may be held up from being progressed. It was suggested that where the necessary studies are undertaken by the proponent, feasible proposals should be able to be considered on their merits.

Submitters sought clarification on the role and scope of an infrastructure committee within the WAPC, and noted that the role, responsibility and membership of the committee should be carefully considered to ensure it is able to facilitate development in accordance with State priorities and individual agency mandates.

The local government sector and development industry noted the importance of early engagement to avoid inefficiencies in structure planning and achieve better coordination of infrastructure considerations. Submitters stressed the need for coordination and for all agencies and service providers to remain committed to effective collaboration.

## **Alternative/additional ideas provided in submissions:**

- The local government sector suggested that the WAPC and DPLH provide design guidance on how to integrate infill development with the existing character and integrity of an established area.
- It was suggested that the WAPC take a greater role in the planning of key station precincts that are considered a matter of State or regional significance.
- One local government suggested that a Development Contribution Infrastructure Fund be established to facilitate priority infill areas. Local governments could access the fund to bring forward DCP funded works, and repay the fund as contributions are received.
- It was suggested that information on the detail and location of existing and proposed infrastructure be made available to the public through an online portal to create more transparency and certainty.

## Submission Theme 26: State Planning Policies for urban growth

### Green Paper proposals:

- 5.2.1: A new Consolidated and Connected Smart Growth State Planning Policy that builds on the State Government's METRONET policy and establishes contemporary smart growth principles and practices.
- 5.7.1: Liveable Neighbourhoods be elevated to a State Planning Policy and maintained and refined as a best-practice approach to new greenfield development at regional, district and local level.

The two proposals received **support** with some qualification as shown at Figure 26.1 as shown at Figure 26.1. A total of 164 responses were received in relation to these proposals.

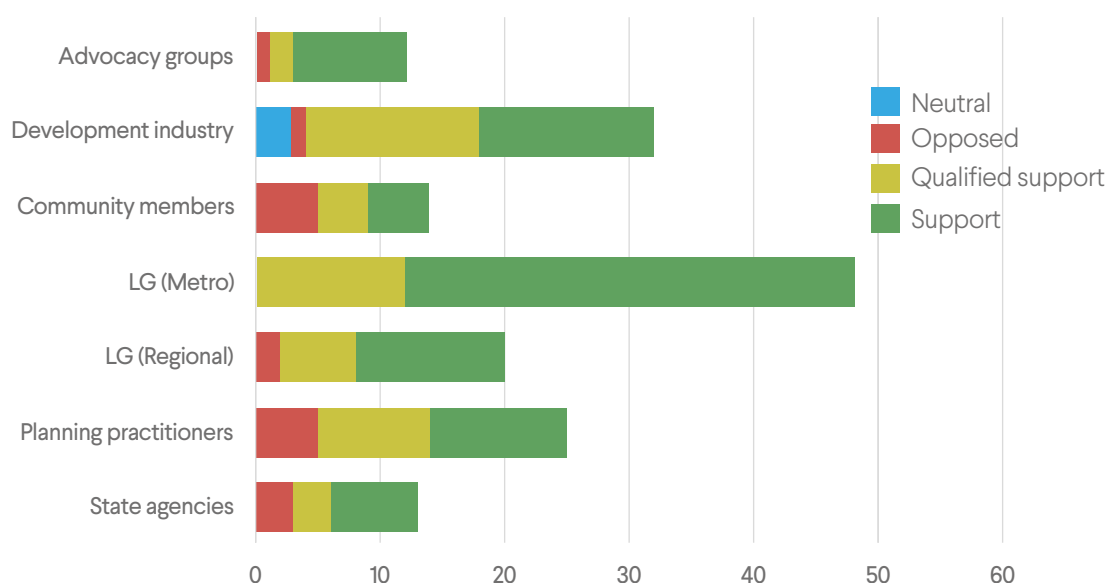


Figure 26.1: Response to Green Paper proposals, displayed by stakeholder categories

### Key feedback received:

- **Support** for a new Smart Growth State Planning Policy to be incorporated in the State Planning Framework.
- **Support** for Liveable Neighbourhoods to be elevated to a State Planning Policy, with some **qualified support** on the basis that refinement of the policy is needed.

## Summary of **support** expressed in submissions:

There was general support from all stakeholder groups for a Consolidated and Connected Smart Growth State Planning Policy to be implemented into the State Planning Framework.

Several stakeholders commented that the Smart Growth Policy should address planning issues beyond METRONET, and some proposed that the principles should be defined in the overarching State Planning Policy Framework rather than expressed as a stand-alone State Planning Policy. Stakeholders noted that the application of smart growth principles in planning for infill development could assist local governments to plan for population growth and housing demand in inner urban areas.

Many stakeholders supported the elevation of Liveable Neighbourhoods to a State Planning Policy.

*“The Smart Growth State Planning Policy should be adopted as the State’s pre-eminent urban development policy.”*

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## Summary of **concerns** raised in submissions:

Some hesitation was raised about introduction of new State Planning Policies when the intent of the planning review is to streamline and reduce red tape. Some stakeholders opposed the elevation of Liveable Neighbourhoods in its current form as review was required to bring it into line with current practice.

Stakeholders also noted that Liveable Neighbourhoods was not applicable for existing urban environments and identified a pressing need for appropriate guidance for infill development.

## Submission Theme 27: Role of region schemes

### Green Paper proposals:

- 5.4.1: Provide in the Metropolitan Region Scheme an "Industrial Deferred zone".
- 5.4.2: The WAPC to ensure that any requirements for State infrastructure are in place in the lifting of Urban Deferment, and that the draft Guidelines for Lifting of Urban Deferment 2017 be amended accordingly.
- 5.6.1: The Metropolitan Region Scheme be updated to include "Urban Corridor" as a category of Reserved Roads based on *Perth and Peel@3.5 Million*, with the Department of Transport being made responsible for coordinating a whole of transport portfolio response to planning proposals along the corridor.
- 5.6.2: A review be undertaken of regional roads reservations in place to accommodate road widenings with the Metropolitan Region Scheme for designated Urban Corridors.

There was **broad support** for these proposals, which each received at least 73 per cent support. In total, 269 submissions were received regarding this theme.

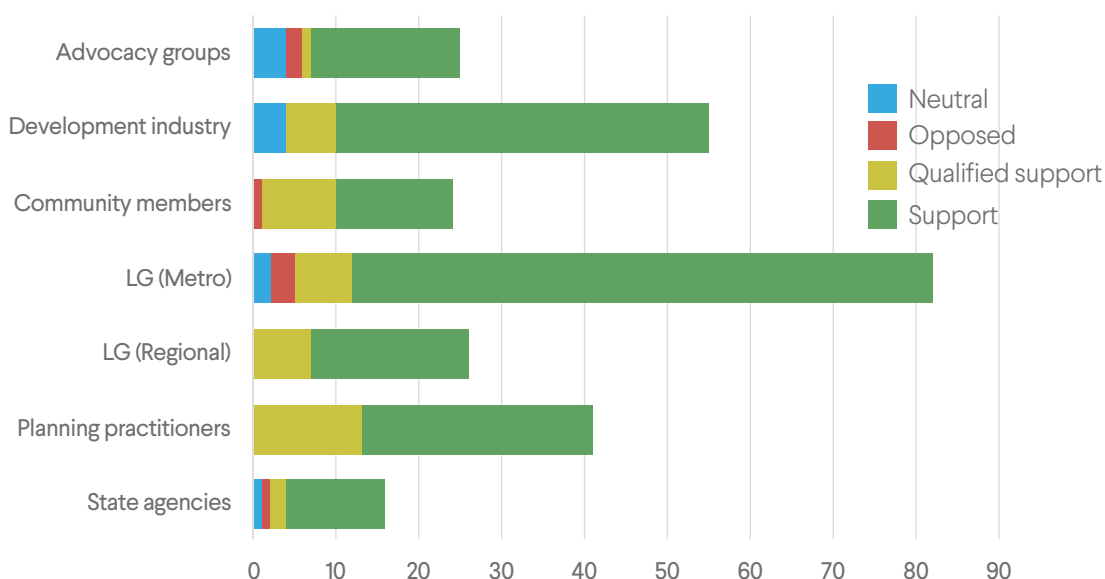


Figure 27.1 Response to Green Paper proposals, displayed by stakeholder categories



### Key feedback received:

- **Support** for the introduction of an Industrial Deferred zone in the MRS.
- **Qualified support** for arrangements for State infrastructure being in place in advance of the lifting of deferred zoning.
- **Support** for improved planning and delivery of urban corridors, but **mixed views** regarding the method to achieve this.
- **Widespread** support for a review of road reservations in the MRS.

### Summary of support expressed in submissions:

The majority of stakeholders agreed that an Industrial Deferred zoning would provide an appropriate tool for the identification of future industrial land and that for, deferred zones, arrangements for the required State infrastructure should be in place in advance of the lifting of deferred zoning.

Many stakeholders agreed that delivery of Urban Corridors was being hampered by conflicting interests and visions, and required review. There was broad support for a more holistic view being taken with many submitters supporting the proposal for the Department of Transport to be responsible for co-ordinating a whole-of-transport portfolio response to planning proposals along these corridors.

Stakeholders generally supported a review being undertaken of existing regional road reserve requirements in the MRS, with the local government sector noting that a comprehensive review has not previously been undertaken.

*“The principle of taking a more holistic approach to the planning of roads, and the places they form part of, is strongly supported but will require resolution of the on-going tension between mode types and the priority placed on one over another...”*

## Summary of concerns raised in submissions:

Some local government submitters suggested that an Industrial Deferred zone was an unnecessary duplication, as future industrial areas are generally already identified in regional and sub-regional planning strategies prior to being rezoned.

A number of development industry submitters expressed concern that the requirement for State infrastructure arrangements to be in place prior to lifting of deferred status may result in delays to land supply. In their view, the rezoning process is often the necessary trigger for delivery of the infrastructure to commence.

While there was agreement among stakeholders of the barriers to delivering urban corridors, a number of stakeholders questioned whether the proposal to utilise a new reserve in the MRS was the best solution. Some stakeholders identified that a whole-of-government agreement on the visions and delivery of these areas was required. Local government stakeholders noted that access, traffic control measures and servicing arrangements required agreement at earlier stages of the planning process to prevent delays when proposals for individual sites come before decision-makers.

## Alternative/additional ideas provided in submissions:

- Some industry stakeholders suggested that the Industrial Deferred zone should also be introduced into the Peel Region Scheme.
- A number of submitters expressed the view that the MRS text should be the subject of a thorough review and be updated to ensure that it is a contemporary planning instrument.
- Local government submitters suggested the inclusion of other new zones, such as a Priority Agricultural zone, to recognise and protect such areas at the regional level.
- Some submitters suggested that a legislative mechanism should be put in place to require the periodic review of region schemes.

## Other matters raised

A number of submissions included suggestions on other ways to improve the planning system which were not related to the proposals within the Green Paper. The following comments, grouped broadly into the reform areas, are some of those received:

### **Key Reform 1: A strategically-led planning system**

- The State Government should be more proactive in advertising strategic planning projects, educating the community and genuinely encouraging them to get involved and have their say.
- Enhanced funding opportunities need to be made available as an incentive for local government to keep its local planning framework up to date. Local government planning departments compete for funding with other departments and often executives do not see the value in funding long-term strategic plans over capital works projects (resulting in an out-dated planning strategy and scheme).
- Ensure decision-making is occurring at the right levels. To achieve a strategically-led system, strategic planning documents should be elevated to a higher status in the decision-making framework, compared to statutory and policy documents.
- The Green Paper seems to focus on review for high growth areas and larger municipalities. A “one size fits all” approach is not feasible, particularly for regional local governments where community expectations regarding planning are being met.

### **Key Reform 2: A legible planning system**

- Planning terminology needs to be simplified so that it is able to be readily understood.
- There has been a poor rate of take-up of changes to Local Planning Schemes following the 2015 release of new regulations. More guidance, resourcing and support is needed to ensure local government keep their schemes and associated documents up to date.
- The role of draft policy is not adequately explained. There is a proliferation of draft policies at the present time, which creates inconsistencies and a complete lack of clarity.
- Planning instruments should apply on the day of application, rather than at the day of decision.
- Every local government should adopt a public mapping program with a minimum level of information.

### Key Reform 3: A transparent planning system

- Third party appeal rights should be introduced, particularly for DAP applications, to allow a relevant local government or a submitter who adjoins the development to apply to the SAT for a review of the decision and also to join as a party to any review of a decision not initiated by a third party.
- A system to ensure decision-makers act with integrity is required. Some councillors have a lack of understanding of the planning system. Town planners should be registered/ accredited to facilitate a greater level of accountability.
- There needs to be better education and training among participants in the planning system. There is a clear lack of general education/understanding within the community of planning issues.

### Key Reform 4: An efficient planning system

- The system must allow for innovation and departure from standard practice to be assessed in a balanced way. A coordinated change to the culture and processes of decision-makers is required to shift focus from rote application of regulations and procedures towards an outcomes-based approach which supports and encourages exemplary outcomes.
- Further efficiency gains in the planning system could be achieved by allowing certain types of development proposals to be assessed and approved by the private sector.

- Current overlaps between planning and environmental legislation should be removed.
- The Local Government Act and its Regulations should be modified to ensure that all minor planning matters are delegated from Council to the CEO and the CEO to the administration.
- The quality of the information received in regards to all planning applications must be of an adequate standard and sufficient to enable comprehensive planning assessments. Where the quality of information provided is compromised, it leads to delays and poor outcomes.
- Extend the mechanism provided by s.126 of the PD Act to enable concurrent amendment of local planning schemes and region schemes even where a text amendment to the former is necessary.
- Remove the need for the Minister to endorse scheme amendment decisions by WAPC/ DPLH – but still allow the Minister to call in amendments that require Ministerial involvement.
- The WAPC/DPLH should have a panel of technical experts it can call upon to give independent advice on matters which it requires to prevent matters stalling.
- Local Government fees and charges, which have been frozen since 2013, require review.
- Earlier planning reform initiatives and reviews of the Act and Regulations have not been completed. These require completion and/or further consideration.

## Key Reform 5: Planning for smart growth

- Public Open Space contributions for infill areas require a better framework to ensure rates and contributions are being determined effectively.
- The Residential Medium Density Codes (R-MD) should be adopted as a State Planning Policy.
- There needs to be a greater emphasis on tree retention.
- The transition of a planning area (from low density to more densely populated) is not explicitly addressed in any regulations or policy and does not address the issues of people that are affected by these decisions.
- It is essential that the State establishes and maintains an education campaign to articulate where the State needs to be heading to accommodate growth, balance outcomes, as well as on the reform package itself. The State has considerable growth challenges ahead and it is important that the community has an awareness of how and why planning decisions are made within this context.
- Design-based education of planners and design-driven proposals should be the norm and lazy proposals should be required to actually engage with a process that leads to quality design outcomes.
- More consideration is needed in relation to policies and future planning on how to handle the conflicts that are arising from cumulative extractive industries outside Perth and the siting of new waste disposal sites in potentially sensitive areas near to the metropolitan fringe.