



Department of **Planning,
Lands and Heritage**



**'A More Efficient and
Strategically Focussed
Western Australian Planning Commission'**
Review Paper

2023



The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment.

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Department of Planning, Lands and Heritage
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

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website: www.wa.gov.au/dplh
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77

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CONTENTS

1. INTRODUCTION.....	1
2. SCOPE.....	1
3. BACKGROUND.....	1
4. ADDITIONAL RESEARCH.....	8
5. COMMISSION PURPOSE and FUNCTIONS.....	9
6. BOARD STRUCTURE and COMPOSITION.....	10
7. COMMITTEES.....	15
8. AGENCY INPUT.....	18
9. INFRASTRUCTURE COORDINATION ROLE.....	19
10. SERVICING ARRANGEMENTS.....	21
11. CONCLUSIONS and NEXT STEPS.....	23
APPENDIX 1 – Action Plan Extract.....	24
APPENDIX 2 – Extracts from <i>Planning and Development Act 2005</i>	25
APPENDIX 3 – Roles and Composition of Committees (as stated in Terms of Reference).....	36
APPENDIX 4 – Scan of Eastern States and Other Models.....	42
APPENDIX 5 – Engagement Report.....	47

1. INTRODUCTION

The Western Australian Government's *'Action Plan for Planning Reform'* (2019) proposes a series of initiatives to streamline and modernise the planning system.

Initiatives are grouped under three primary goals:

1. Planning creates great places for people.
2. Planning is easier to understand and navigate.
3. Planning systems are consistent and efficient.

Initiative number C9 under the third goal recommends review of the structure and operation of the Western Australian Planning Commission (WAPC) to *"increase transparency and efficiency and enable a greater focus on strategic planning matters"*. The Action Plan nominates the Chair of the Commission to lead this and consider a range of options including:

- An independent WAPC board comprising of between seven and 10 members.
- A more flexible committee structure with the ability to form and disband to respond to emerging challenges, work programs and projects (noting that the Statutory Planning Committee and Executive, Finance and Property Committee perform core functions and will continue).
- Fit for purpose arrangements for the provision of technical agency inputs as required.
- Clear arrangements for the WAPC to lead key land use planning and infrastructure coordinating activities outside the scope of Infrastructure WA (IWA).
- Changes to the servicing and resourcing arrangements between the WAPC and Department of Planning Lands and Heritage (The Department) to better support effective strategic planning and policy development. (refer Appendix 1 for Action Plan extract).

This paper outlines current arrangements, other models and stakeholder feedback, and proposes a series structural and operational changes to support the desired outcome.

2. SCOPE

The review considers changes to the structure, composition and operation of the WAPC and its committees based on the direction set through the Action Plan. It does not review the functions of the Commission as a whole, but rather the approach to delivering the current functions effectively and efficiently, opportunities to increase the Commission's strategic planning focus, and opportunities to clarify the role of the Commission and its committees.

3. BACKGROUND

3.1 Current Provisions

(refer Appendix 2 for legislation extracts)

The WAPC is established under Part 2 of *Planning and Development Act 2005* (the Act), replacing the State Planning Commission and its predecessors, the Town Planning Board and Metropolitan Region Planning Authority. It is established as a body corporate with perpetual succession, governed by a board of management.

3.1.1 Purpose and Functions

The purpose of the Commission is not explicitly stated in the Act; it is variously described as:

- *"Custodian of the planning system. It provides advice to the Minister and is the responsibility authority for land use planning and development matters."* (An Introduction to the Western Australian Planning System, 2014).
- Having *"State wide responsibility for urban, rural and regional integrated strategic and statutory land-use planning and land development"*. (WAPC Governance Guide and website).
- *"Ensuring the planning system develops policy and enables planning decisions for the long-term benefit of the Western Australian community"*. (Mission stated in WAPC Strategic Plan 2018-2021).
- An *"Independent technical statutory authority"* (Green Paper on Planning Reform, 2018).
- *"A statutory authority (with) ...a broad range of responsibilities including..."* (Good Planning Decision Guide, 2021)

Its functions are stipulated under section 14 of the Act and can be summarised as follows:

1. Advise the Minister on:
 - a. Land use planning, transport planning and land development.
 - b. The administration, revision, and reform of related legislation.
 - c. Strategic planning for the metropolitan region and parts of the state to which region planning schemes apply.
 - d. Local planning schemes and amendments.
2. Prepare and maintain:
 - a. A state planning strategy.
 - b. Planning policies.
 - c. State Planning Policies (for approval by the Governor).
3. Plan for the coordinated provision of transport and infrastructure for land development.
4. Undertake research, develop methods and models and provide advice and assistance on planning matters, particularly to local government.
5. Prepare (for approval by the Minister), maintain and administer:
 - a. Region schemes.
 - b. Improvement plans.
 - c. Improvement schemes.
6. Acquire, develop, maintain and/or manage land associated with region schemes, improvement schemes and the Swan Valley Planning Scheme.
7. Other things necessary for and / or required or authorised by the Act and associated schemes and legislation, including:
 - a. Approving subdivision of land
 - b. Determining certain classes of development application including development on land subject to region schemes where not delegated to a local authority and – currently, under temporary arrangements – Part 17 ‘Significant Development’ Development Applications.

In essence, the Commission provides advice to government, develops policy and strategic and statutory plans to guide integrated land use and servicing, and facilitates implementation of those plans (primarily through its determination of certain types of statutory applications relating to land use and subdivision, and its reservation and acquisition of land for public purposes).

Whilst full review of the functions of the Commission falls outside the scope of the project, some update to and rationalisation of this clause would increase clarity of its role and thus support both a clearer focus and a more easily understood planning system. A clearly stated overarching purpose for the Commission may also assist, reflective of the approach taken in in the *Infrastructure Western Australia Act 2019*, which includes principal objects.

Recommendation 1:

Update section 14 of the *Planning and Development Act 2005* to clearly define the purpose of the WAPC and to rationalise the list of functions.

3.1.2 Powers

The Commission's powers are defined in section 15 and include “*all things necessary or convenient to be done for and in connection with the performance of its functions.*” including:

1. Acquiring, holding and disposing of property.
2. Managing (including leasing) land it has acquired.
3. Entering into a contract or arrangement for the supply of equipment, consultancy, or advice.
4. Acting in conjunction with others.

These powers have generally proven adequate in the delivery of the Commissions functions and are consequently not nominated for amendment. Review of the interface of planning legislation and authority with other statutory decision processes (such as environmental and road access approvals) falls outside the scope of the review, though some streamlining is being pursued through other Action Plan initiatives.

3.1.3 Composition

The composition of the Commission is specified in the Act via Section 10 and Schedule 1 and includes up to 15 members being:

- Chairperson
- Six members (sometimes referred to as 'appointed' 'regular', or 'professions' members) including:
 - One representing the interests of metropolitan local governments.
 - One representing the interest of regional local government.
 - One with experience in coastal planning and management.
 - One with practical knowledge of and experience in urban and regional planning or a related field.
 - One with practical knowledge and experience in environmental conservation, natural resource management or heritage.
 - One with a practical knowledge of and experience in community services, affairs, or indigenous interests.
- The chief executive officers (now referred to as directors general) of the government agencies associated with:
 - Planning.
 - Water.
 - Transport.
 - Environmental Protection.
 - Government Agreements.
 - Housing.
- A person with experience in urban and regional planning and employed by an agency for which the Minister for Planning is responsible (who may be one of the above).
- A person nominated by the Regional Minister.

Schedule 1 also makes provision for the (optional) appointment of a deputy chairperson, taking the potential number of members to 16.

The chairperson, six appointed members and deputy are appointed by the Governor on the recommendation of the Minister who, in turn, receives nominations for the two local government representatives from the Western Australian Local Government Authority (WALGA).

Associate members for each of the nine regions identified in Schedule 4 of the Act can also be appointed by the Governor and invited to meetings considering pertinent regional matters.

Deputy members are nominated for local government representatives, but no provision is made for proxy or alternate members for other positions, other than for the Chairperson and Planning Director General on committees.

Terms of office may be up to five years and are eligible for reappointment.

All members are part-time unless specifically appointed on a full-time basis, with remuneration as determined by the Minister on the advice of the Public Sector Commissioner. Currently the Chairperson is appointed full-time.

3.1.4 Proceedings and Committees

Details of board constitution and proceedings are outlined in Schedule 1 of the Act. The level of detail included in Schedule 1 has proven restrictive, particularly with regards to approval of leave of absence (which require the Minister's approval) and use of proxy members (which is highly restricted).

Recommendation 2:

Transfer unnecessary detail relating to the operation of the Commission (eg Schedule 1) into regulation to provide greater capacity for update, reflective of contemporary practice and other frameworks, and to support increased efficiency.

Schedule 2 of the Act makes provision for the WAPC to establish committees to which it may extend delegation. It also makes specific provision for the operation and composition of various standing committees, namely:

- Executive, Finance and Property Committee (EF&PC).
- Statutory Planning Committee (SPC).
- Sustainable Transport Committee.
- Coastal Planning and Coordination Council.
- Regional Planning Committees.
- District Planning Committees.

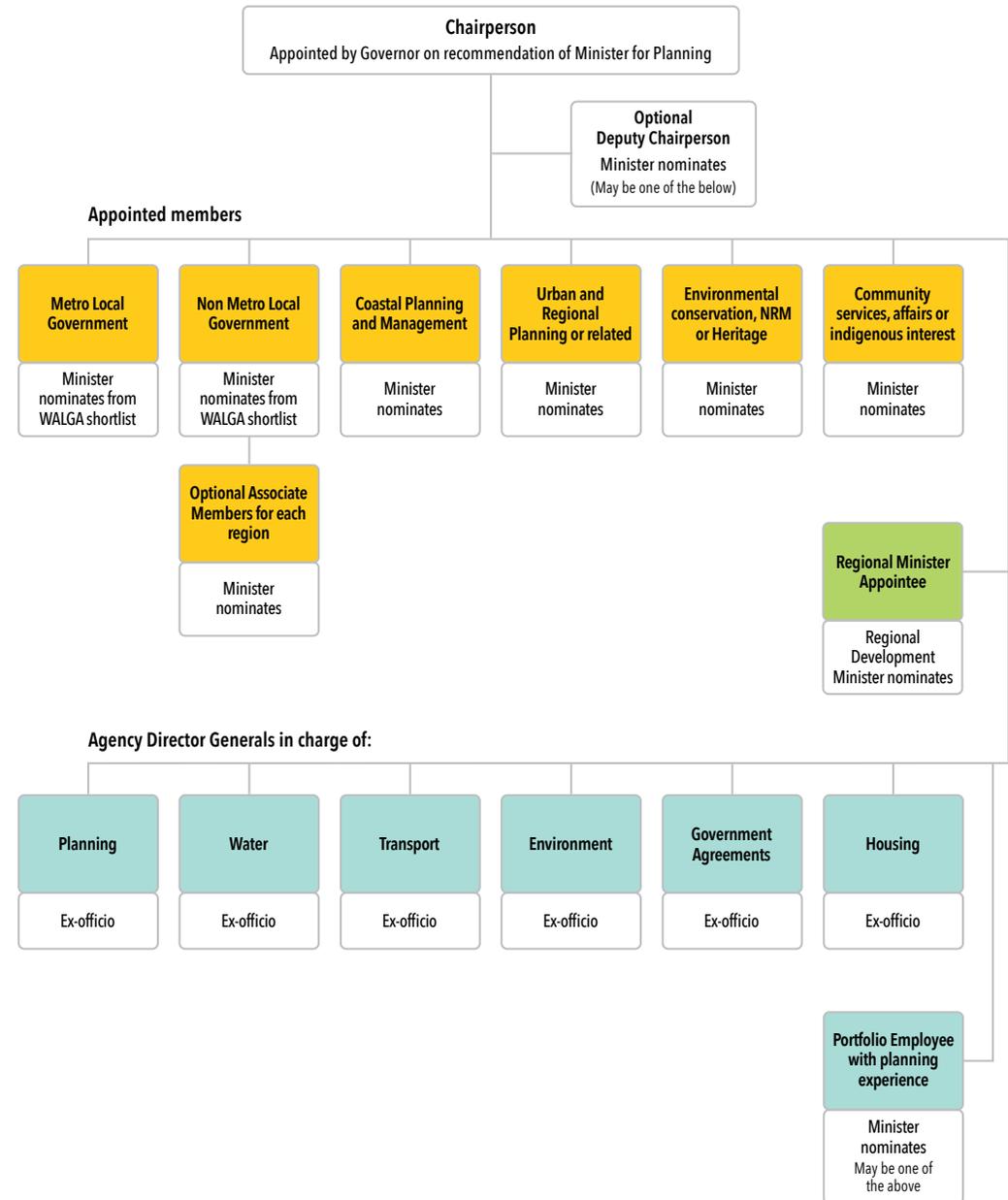
All but the first two of these committees were effectively disbanded some years ago when the Government sought to rationalise the high number of committees then in operation across the state.

The Infrastructure Co-ordinating Committee also operated as a long-standing committee addressing that specific function of the Commission but was abolished when the *Infrastructure Western Australia Act 2019* came into force.

Conversely the *Swan Valley Planning Act 2020* requires the establishment and operation of the Swan Valley Planning Statutory Committee which effectively works as a committee of the Commission, albeit established under separate legislation. Schedule 2 provisions consequently require update, with a more agile framework suggested by the Action Plan.

Recommendation 3:

Transfer detail relating to the establishment and operation of committees (ie Schedule 2, updated to reflect current arrangements) into regulation to provide greater capacity for update, reflective of contemporary practice and the direction of the Action Plan.



Clause 1 of Schedule 1 also includes general provision for the establishment of additional committees by the Commission. Additional committees currently operating include:

- Capital City Planning Committee.
- Future of Fremantle Planning Committee.
- State Design Review Panel.

Further detail on the stated role and composition of committees is provided in Appendix 3. The format and structure of the terms of reference is inconsistent, with the listing of delegated authority in the terms of reference for the Statutory Planning Committee inconsistent with those of other committees (and in need of update).

Recommendation 4:

Review and update terms of reference for committees to increase consistency of approach and explanation of role.

Notwithstanding the statutory provision for the Commission to establish committees, the Premier's Circular on State Government Boards and Committees dated 5/12/2019 indicates that *"All establishments, abolitions, changes in name, appointments and reappointments to State Government boards and committees are matters for Cabinet consideration. Prior to establishing a board or committee, agencies should consider whether alternative forms of consultative bodies, such as an interagency working group, can be utilised."* Because of the time taken to obtain Cabinet approval for committees, this requirement inhibits the Commission's ability to *"form and disband committees as required to respond to emerging challenges, future work program and projects"* (as proposed by the Action Plan).

Recommendation 5:

Explore possible exemptions from the Premier's Circular on State Government Boards and Committees to assist the Commission advance its work effectively and efficiently.

Exemptions might include the establishment of committees for time-limited periods (e.g. up to 18 months) to explore specific areas or issues and comprising of existing members of the Commission or other government boards and committees, DAPs, Development Commissions and / or public servants.

3.1.5 Operation

The operation of the Commission and its committees is governed by the broad parameters of the Act (including the detail outlined in the Schedules), supplemented by a Board Charter, Meeting Procedures, Code of Conduct and policies published in its [Governance Guide](#) (last updated in August 2022).

Meetings are scheduled to meet operational need and currently include:

- Monthly meeting of WAPC (supplemented by weekly – or as required - meetings to deal with Part 17 Significant Developments)
- Monthly meeting of Executive, Finance and Property Committee
- Twice monthly meeting of Statutory Planning Committee
- Quarterly meeting of Capital City Planning Committee.

Other committees meet more sporadically or on an 'as needs' basis. Informal briefings are also scheduled as required (usually prior to a Commission or committee meeting) and are often jointly held with WAPC and Statutory Planning Committee members, and other agencies.

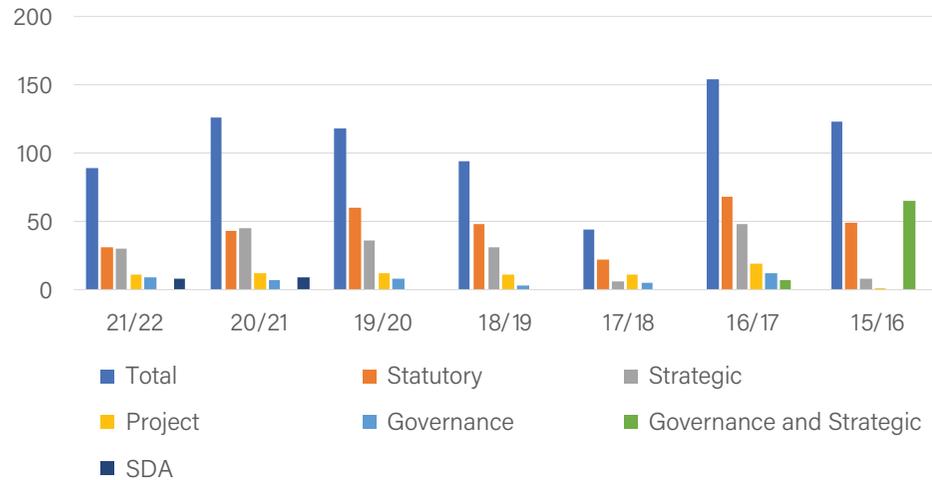
A review of WAPC agendas over the last seven years indicates an average of 104 items per annum considered (excluding the additional Significant Development items of the last three years, and items delegated to committees). These included:

- Regulation changes and response to pandemic reports.
- Region scheme amendments and assessment of planning investigation areas.
- Special control areas, improvement plans and improvement schemes.
- Development applications on reserved land, by a public authority or in a special control area or similar.
- Policies and position statements.
- Region and sub-regional strategies.

- Project update reports.
- Land supply and urban growth reporting.
- Delegation reports.

On average, around 30 per cent of the items were deemed 'strategic,' with a slightly higher proportion classed as 'statutory' and a number of project and governance items making up the balance (noting that this classification approach appears to have evolved over the years).

WAPC Items by Type



Source: WAPC Secretariat

A more detailed review of WAPC agendas for 2021 (as a sample) indicated that:

- 31 per cent of items related to a region scheme.
- 19 per cent of items related to policy review (of which one third were state planning policy-related and two thirds operational policy or position statement related).
- 13 per cent of items related to Part 17 Significant Development Applications.
- 9 per cent of items related to integrated land use plans and strategies.
- 6 per cent of items related to improvement plans.
- 6 per cent of items related to delegation.
- The remaining items (16%) were thinly spread across 10 different activities.

Financial and budget decisions (including the allocation of funding to strategic initiatives) were primarily dealt with by the Executive, Finance and Property Committee.

Agenda items range in scale and complexity. Average meeting lengths and agenda content for some of the Commission's core standing committees and the State Design Review Panel for calendar year 2021 is provided below¹:

	No. meetings	Average No. Items	Average Length Agenda (pages)	Average Meeting Time (hours)
WAPC	27 ²	18	381	1:52
Executive Finance and Property Committee	11	26	171	1:07
Statutory Planning Committee	22	33	885	2:30
State Design Review Panel	46	1	200	3:00

Source: WAPC Secretariat

¹ This table excludes the Swan Valley Statutory Planning Committee given that it only met twice in 2021 – being the year of its inception.

² Including 15 x Part 17 Significant Development meetings

Traditionally, the Commission has formulated its views and made its decisions behind closed doors, with only a restricted version of the agenda for the Statutory Planning Committee published. Early actions arising from the Action Plan saw an increase in the transparency of the operations of the Commission introduced in 2020: these included publication of the Commission agenda, including full copies of reports for proposals for which the Commission is the determining authority, and inclusion of Key Matters Coversheets for those in which it is making a recommendation to the Minister.

Part 17 meetings have been made open to the public but other Commission and committee meetings remain *in camera* (private) to allow free and unfettered debate. Deputations from proponents are, however, supported (subject to the approval of the Chairperson) though are generally limited in length to three minutes. Written deputations are circulated prior to the meeting.

3.2 Reasons for the Review

The recommendation to review the structure and operations of the Commission responds to issues identified in the 'Green Paper on Planning Reform'³ and submissions made on this. They include that:

1. In order to deliver a more efficient⁴ and effective planning system, greater focus and effort needs to be directed to strategic land use planning to guide a streamlined development assessment process.
2. The WAPC has extensive responsibilities under the Act: these make for a substantial workload and scope resulting in a lack of focus, delays and inefficiencies. It also places considerable demands on Commission and committee members.

3. The size of the Commission has made it unwieldy. The inclusion of public sector CEOs has also resulted in accountability issues with respect to their representation of their agency and obligations to government versus their fiduciary duty to the WAPC as an independent board. With the machinery of government increasing portfolio scope, the demands on the time of the respective agency CEOs has also significantly increased creating capacity issues.
4. The establishment of Infrastructure WA requires clarification of roles in relation to infrastructure coordination.
5. The rigidity of structure, make up and establishment protocols around Commission committees restricts the Commission's capacity to use these to provide the support it needs to address some of the above issues, and to do this in a timely manner.
6. Inhibitions to delegation also reduce the Commission's ability to increase its strategic focus.
7. A constructive working relationship with agencies and local governments is necessary to delivering effective strategic planning and efficient statutory planning, this requires a strong leadership role from the Commission, and the development of greater levels of mutual trust and understanding.
8. There is an increasing expectation of transparency in the planning process, requiring clearer explanations of who makes what decisions, how and why, and prompting improved public accessibility to information.

The Action Plan responds to these issues and sets broad direction as to how they may be addressed. The 2020 amendments to the agenda publication provided an immediate response to the transparency concern.

³ 'Modernising Western Australia's Planning System: Green Paper Concepts for a Strategically-led system' 2018

⁴ Defined in the 'Green Paper for Planning Reform' as follows: "efficiency means that the planning system is well organised with clear roles and accountabilities, and is competently managed to deliver key functions in the least complex way through well-defined and adaptable processes with the right resources and defined outcome measures. It also includes the "process efficiency" – resolving obvious bottlenecks that have emerged by developing practical solutions."

4. ADDITIONAL RESEARCH

To inform the review, a scan of eastern states models has been undertaken (refer Appendix 4), review of recent engagement programs has been undertaken and exploratory discussions have been held with a range of stakeholders including:

- Current Commission and committee members;
- Past Commission and committee members;
- Current and past departmental staff;
- Industry groups;
- Eastern states counterparts; and
- Academics.

The outcomes of these discussions generally support the conclusions of the Green Paper and indicated that:

1. The Commission is an important element in the WA Planning system and provides considerable value: the breadth of its role is a great advantage (whilst sometimes creating resourcing and expectation challenges).
2. The function and operation of the Commission are largely sound, but in need of refinement in some areas. Different areas for improvement were flagged by different sectors and individuals.
3. The Commission must balance its important statutory role with constructive and effective strategic planning. Resource limitations must be acknowledged in this, and activities prioritised accordingly.
4. A smaller, more agile Commission could assist in increasing strategic focus. However, robust mechanisms to secure the input of agencies and other stakeholders are critical to supporting informed decision making, building consensus, aligning activity and implementation. Whilst some different views around membership were expressed, a majority of stakeholders interviewed supported the option of government agencies attending the Commission as non-voting participants.

5. Increasing the Commission's strategic focus also requires both:
 - the right skills and experience on the board; and
 - high levels of efficiency in managing the statutory and administrative load.

Board selection criteria should consequently focus on the right mix of skills and experience (including statutory and strategic planning) and take into account the ability to source external expertise, rather than seeking individual representation of every pertinent profession, interest and area of expertise. Professional standing, personal qualities, capacity, and diversity are also important considerations.

6. Better integration with committees and continued development of the policy and strategic framework represent key opportunities to realise more streamlined delivery.
7. Further extension of delegation to reduce the Commission's statutory workload was considered desirable in principle, however, few concrete suggestions were made other than more routine region scheme amendments (which the Act currently restricts) and local development plans.
8. Various administrative and operational improvements can be realised through relatively minor changes however a number of improvements have already been made and generally speaking, most thought that the Commission is functioning reasonably well and is well supported. Governance should remain an ongoing focus, and conflicts of interest rigorously managed. This (and perceptions of bias) was an area of concern for some.
9. More defined opportunities to confirm strategic priorities, to monitor performance and to communicate these was suggested by some participants.
10. Greater strategic context in reports was also requested by some Commission members.
11. Ongoing maintenance and enhancement of inter- and intra- organisational relationships and fostering greater appreciation of the Commission's role is important to effective operation.

12. Given the complexity of planning, high number of stakeholders, and level of public interest, communication of the Commission's roles, activities, priorities, decisions, and rationale for these should be an ongoing focus. Some participants commented that it is not enough for the Commission to do its job well: it must be able to clearly demonstrate this to build public confidence in the planning system and process.

The question of independence was a point of interest for quite a number of participants. The general consensus was whilst there are some natural limitations to the independence of a government board (and the Act makes specific provision for the Minister to direct the Commission in relation to certain matters), the Commission's existence and implied mandate is to provide independent advice and decisions, and its make-up, culture and operations should then support this. Clarification of the board's role in responding to government direction and priorities, and greater transparency around respective roles was thought desirable. Greater transparency and robustness around the appointment process was also suggested, particularly in light of growing community interest in the role of the Commission and recent nation-wide media commentary around the integrity of ministerial appointment processes on the east coast.

An engagement report is provided in Appendix 5. Feedback received informed the development of the options proposed by the Action Plan, and more detailed recommendations to enhance operations.

5. COMMISSION PURPOSE and FUNCTIONS

Review of the structure and operation of the Commission starts with articulation of its purpose. It is important that this is both clear and succinct, with the following suggested:

The purpose of the Commission is to provide independent advice to the Government on all aspects of integrated land use planning and development, and to facilitate the implementation and delivery of state planning policies, strategies and plans through its functions and statutory decisions.

The Commission's principal objects are:

- *To provide independent advice and assistance to the Government on matters relating to integrated land use planning and development for the long-term benefit of Western Australians.*
- *To develop integrated land use planning policies, strategies and plans which respond to the strategic direction of the Government, are consistent with principles of orderly and proper planning, and facilitate sustainable land use and development which optimises social, economic, and environmental outcomes.*
- *To promote and facilitate implementation and delivery of state planning policies, strategies and plans through its coordination, regulatory and other functions.*

This summary recognises that the Commission provides unfettered advice to the Minister but responds to the strategic direction of the Government in preparing state planning policies and plans (most of which require ministerial approval). Within the planning and policy framework thus established, the Commission then undertakes its regulatory functions independently. This clarification of roles and the relationship between the Commission and the Government is important in understanding the planning system, and the extent of the Commission's autonomy. The proposed inclusion of reference to the triple bottom line recognises the holistic approach required for strategic planning and the important role planning plays in balancing sometimes competing objectives.

Rationalisation of the description of the Commission's functions to reflect a logical hierarchy of activities (from 'big picture' strategic planning through the development of statutory planning frameworks and on to the detail of statutory decision making

and implementation) is also recommended to increase legibility of the planning system. Inclusion of clarification of those activities in which the Minister is the final decision maker versus those in which the Commission acts autonomously would also assist, as would further clarification as to the extent of the Minister's capacity to instruct the Commission.

Recommendation 6:

Clarify the parameters for Ministerial instruction or direction of the Commission.

6. BOARD STRUCTURE and COMPOSITION

Analysis of the Commission's functions and activities indicates that it has a number of broad roles including:

1. Leadership and governance.
2. Advocacy, coordination, and collaboration.
3. Technical, statutory, and determinative.

Managing the diversity of these roles and their somewhat complex interrelationships is challenging and requires a skilled, focussed and well-balanced board membership. Feedback from both past and present Commission members emphasised the need for members to operate across these roles, combining technical knowledge with the broader skills of an effective board member. Clearer definition of the selection criteria was thought desirable by some.

6.1 Skills, Knowledge and Expertise

The strategic leadership, decision-making and collaboration skills required on the Commission (which are common to many boards), and the personal attributes and qualities sought in board members are currently specified in the Governance Guide. Minor updates to reflect the 'Governance Manual for WA Government Boards and Committees' (Public Sector Commission) and feedback received through consultation on the importance of diversity of perspectives is as follows:

Mandatory Skills and Qualities, required in all board members

1. an understanding of the public sector environment;
2. honesty, integrity and ethical behaviour, and high standing;
3. an ability to think strategically;
4. ability to listen, tolerate different views, and treat others with respect and fairness;
5. sound judgement and ability to analyse, think clearly and make decisions in the best interests of the organisation;
6. commitment and willingness to attend meetings, ask questions and take responsibility

7. communications skills; and
8. ability to work will with others and contribute to a highly functional team dynamic – for example being able to focus on common goals, priorities and problems and establish trusting relationships.

Desirable Skills, Qualities and Experience, to be sought across board membership

Skills	<ul style="list-style-type: none"> • Planning and leadership (particularly for the Chairperson) • Risk management and audit • Reading and understanding financial statements • Legal, financial and other professional skills • Industry-specific skills and knowledge • Stakeholder engagement and management
Qualities	<ul style="list-style-type: none"> • Diversity, considering factors such as age, gender, cultural and ethnic background (particularly seeking knowledge of Aboriginal and Torres Strait Islander matters) and professional background
Experience	<ul style="list-style-type: none"> • Working on a Board • Networking and dealing with stakeholders • Working in a regional, rural or remote context • Performing at high levels in relevant fields of expertise • Working across different sectors • As a Chairperson (if the person is to be the Chairperson)

6.1.1 Expertise

In addition to general board skills, industry-specific expertise is required on the board to deliver the Commission's technical planning functions and stand as credible authority. The diversity of considerations relevant to planning decisions means that many professions and areas of expertise contribute relevant knowledge including:

- Urban and regional planning (statutory and strategic).
- Transport planning.
- Urban design.
- Economics, economic development, commerce and finance.
- Environmental science, policy, sustainability, natural resource management.
- Infrastructure planning, policy and delivery.
- Engineering (civil, acoustic, coastal).
- Land and housing supply, development feasibility and delivery.
- Social sciences, public policy and community development.
- Aboriginal and Torres Strait Islander matters
- Culture and heritage.
- Architecture and landscape architecture.
- Planning, property, and environmental law.
- Land administration and surveying.

Inclusion of experts from each of these disciplines is clearly not practical. The very length of the list underlines the important role planning plays in synthesising multiple inputs and determining the best overall balance rather than focussing on a single issue. Discussion of options by Commission and committee members confirmed the view that a simple expertise 'formula' is unlikely to yield the best outcome with the review consequently recommending that Commission membership criteria:

1. Differentiate between expertise critical to its core functions versus that which are relevant to some of its functions or specific proposals.

2. Provide a broad description of relevant expertise, allowing selection of complementary skills, perspectives and knowledge.
3. Seek members with breadth of knowledge and skills in understanding and balancing multiple factors rather than focussing on one.
4. Actively recognise and utilize additional expertise available through means other than board membership, including:
 - a. Through advice provided to the board by non-voting participants and agency staff.
 - b. Through advice provided by consultants and special advisors.
 - c. Through input available through committees (which may involve broader and specialist membership);
 - d. Through engagement and referral processes.

In relation to the mandatory expertise, participating members concluded that the following experience and expertise is critical to the technical functions of the board:

1. Urban and regional planning.
2. Local government (the planning system being based on partnership with and delivery of much of its regulation by this sector of government).
3. Regional lived experience (reflecting recurrent feedback of the importance of this to ensure a whole-of-state perspective).

Whilst infrastructure planning as a whole is critical to realising land use planning outcomes (with restricted availability a significant inhibitor in many areas), the coordination of transport and land use is singled out in the Commission's functions as particularly important. For this reason, it could also warrant inclusion as 'mandatory' or high priority in the selection process. The preference for greater flexibility in selection ultimately resulted in mandatory inclusions being limited.

In addition to these core inclusions, it is recommended that appointed members demonstrate knowledge, expertise and skills in at least one area (and preferably more) relevant to integrated land use planning and development. Whilst a very broad description option could be limited to that, to ensure a diversity of perspectives, it is suggested that relevant expertise be listed (non-definitively) to include:

- Urban and regional planning.
- Land and housing supply and development.
- Transport and / or infrastructure planning or management.
- Economics, social and/or environmental policy or science.
- Public sector governance and administration or law.

This approach (based on the South Australian model and recommendations of the Green Paper) allows selection of a group with complementary skills and knowledge, and reduces the tendency for members appointed on the strength of one selection criterion to seek to 'represent' that perspective exclusively. To ensure a diversity of experience and perspectives (highly valued by many stakeholders), additional guidance could be added in the development of the selection criteria and process.

Approval of appointments through the Minister is recommended to be retained as is appropriate for a board acting for and ultimately answerable to the Government, however, greater definition of the selection criteria and a process incorporating external input would increase transparency, support credibility and public trust and reduce the risks to these associated with more opaque ministerial appointment processes. Publication of the profiles of members could also assist in this regard and periodic review of board fees would be appropriate to ensure that these reflect the demands of the role and do not inhibit the participation of good candidates.

Regular skills assessments, training opportunities and a robust induction process remain routine but important activities to maintaining a high performing board and so are recommended to continue.

Recommendation 7

– Skills, Knowledge and Expertise

- 7.1** Document and publish the WAPC board member selection criteria.
- 7.2** Document and publish the WAPC board selection process and include open calls for nomination, use of independent panel member/s to establish the shortlist submitted to the Minister and the option for interviews.
- 7.3** Amend the technical expertise sought on the Commission board to a more broadly termed list including:
- Urban and regional planning.
 - Land and housing supply and development.
 - Transport or infrastructure systems planning or management.
 - Economics, social and/or environmental policy or science.
 - Public sector governance and administration or law
- 7.4** Specify Urban and Regional Planning, Local Government and Regional experience as mandatory expertise on the Commission board, with the Chairperson and at least one other member to have a qualification and extensive experience and expertise in urban and regional planning.
- 7.5** Supplement the technical expertise listed in the Act with a list of more general skills, expertise and qualities required on the Commission, as listed in the Governance Guide but updated to reflect the *Governance Manual for WA Government Boards and Committees*, to promote inclusion of diversity and to differentiate between those required of all members versus those required within the board as a whole (as above).
- 7.6** Undertake a collective skills assessment regularly to identify gaps and inform selection of new members, collective training needs, and potential consultancy support required

- 7.7** Continue to deliver a robust induction process (and regular refreshers) continue to be delivered, with individual training needs to support Commissioners in their roles to be discussed and reviewed annually.
- 7.8** Publish profiles of Commissioners and their affiliations to increase transparency.
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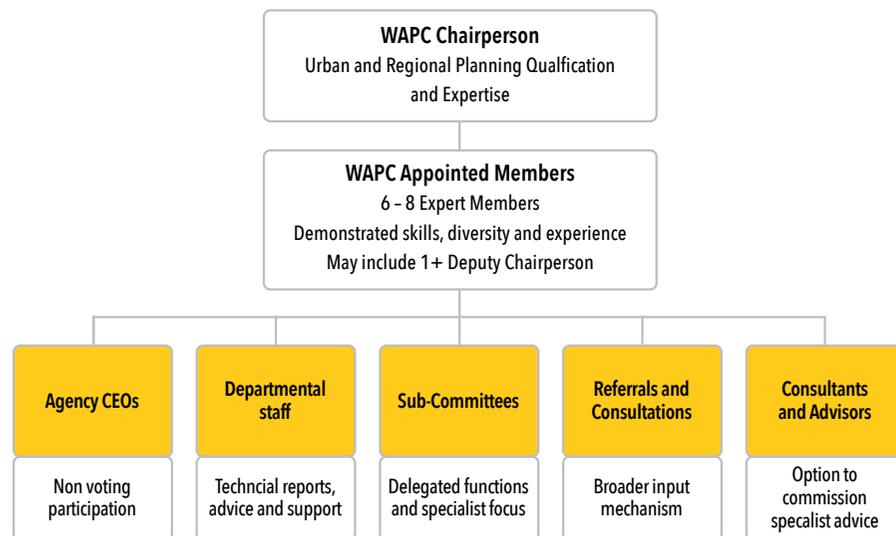
6.2 Structure and Composition

To support the independence of the board and reduce the burden of attendance on already very busy agency heads, the knowledge, skills and expertise provided by agency Directors General is recommended to be captured through non-voting participation rather than full membership. Whilst the ownership of decisions engendered by voting was considered as a potential reason for retaining agency CEOs as voting members on the board (and there was some debate around the pros and cons of different option), it was ultimately concluded that the same informed decision-making and integrated outcomes are achievable through other means. The difficulties for agency heads in consistently attending meetings following the machinery of government amalgamation of departments, and the limited relevance of a proportion of agenda items to their portfolios were additional practical considerations. To further enable agency participation, it is recommended that Directors General may delegate participation to a senior officer. Additional opportunities to integrate agency input into the planning process is discussed in section 8 below.

To supplement the expertise of the Chairperson (1), the appointed members (between six and eight) and the non-voting participants, it was noted that the Commission can (and does) consider the expert advice of departmental staff, feedback received through referrals and consultations, deputations, consultant and specialist input, and advice from specialist sub-committees. These mechanisms ensure that even whilst reducing the size of the board to the more agile between seven and 10 member scale recommended in the Action Plan (and reflective of

average ASX 200 board sizes⁵), the Commission can continue to draw on a wide range of input to support robust and well informed decision making. From this perspective, greater flexibility to use committees to grapple with complex and specialist issues, and the development of input mechanisms and collaborative processes were identified as desirable. Some additional capacity to call on an alternate member in the event of other member/s being absence (and this restricting the expertise necessary to decisions before the board) was also identified as desirable through the review, particularly in circumstances where planning expertise is limited to between one and two members . Consideration of the likely extent of significant conflict of interest in the appointment of members was similarly flagged as desirable to avoid an expertise deficit on critical items.

To support the Chairperson undertake their functions efficiently and effectively, to enable greater outreach and collaboration, and to mitigate risk, appointment of a deputy chairperson (or, to enable a portfolio approach, potentially more than one) was also supported by both past and present members. In the interests of efficiency, it was thought preferable for this person/s to be drawn from the pool of ordinary members.



⁵ The average size of an ASX 200 Board quoted by Ashurst Consulting in 2021 was 7.5 members. (refer 'ASX 200 Board Succession Planning Review' November 2021)

Recommendation 8: Structure and Composition

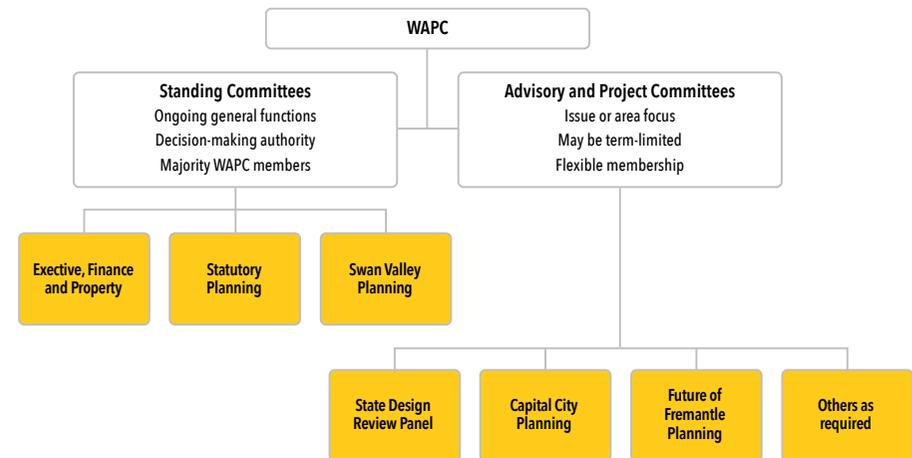
- 8.1** Amend the role of agency directors general on the Commission to non-voting participant and include the CEO of Infrastructure WA in this list.
- 8.2** Make provision for agency CEOs to nominate a senior officer to attend Commission meetings and participate in their stead.
- 8.3** Reduce the Commission membership to one Chairperson and between six and eight appointed members.
- 8.4** Recognise the additional expertise and input into decision-making the Commission board receives through the support it receives from the public service, referrals and consultation processes, collaborative projects, sub-committees and consultants and specialist advisors.
- 8.5** Make provision for the option of an alternate participant for appointed members in the event of absence, particularly if this restricts necessary expertise to make a given decision.
- 8.6** Amend the provisions enabling appointment of a deputy chairperson to allow the option of more than one and specify that the deputy/ies be drawn from ordinary members.

7. COMMITTEES

To support the efficient operation of the board and to spread its workload, the Commission's core administrative and statutory planning functions have traditionally been delegated to its Executive Finance and Property Committee and its Statutory Planning Committee respectively. The Action Plan anticipates this arrangement to continue with feedback from past and present members supporting this as a logical arrangement. Whilst the option of a further standing committee could reduce the heavy workload of the Statutory Planning Committee, on balance members preferred the integration and efficiency benefits of retaining responsibility for both statutory planning decisions and frameworks, and the option of creating a third standing committee was not supported. This option should, however, be maintained for the future.

An efficiency challenge noted in consultation related to the duplication in work undertaken by committee and Commission members, with both needing to be aware of (and sometimes contribute to) the activities of the other. For example, the Statutory Planning Committee needs to be aware of the formulation of policy and guidelines informing statutory planning functions, whilst its experience in application of policies and plans is of relevance to the Commission in requesting, reviewing, and approving such documents. To address this overlap and provide greater integration, it is recommended that the proportion of Commission members on committees be increased. This would result in an increased workload for a smaller pool of members but was considered desirable from a consistency, efficiency, and efficacy perspective. The option for inclusion of additional external members on committees to supplement the knowledge, skills and experience of Commissioners and provide additional perspectives is still proposed to be retained, however to improve the governance and oversight structure, it is recommended that those committees with delegation to make decisions on behalf of the Commission (namely the Executive, Finance and Property Committee, Statutory Planning Committee and Swan Valley Planning Committee) have a majority of Commission members.

For committees established to examine specific issues or areas, or to provide specialist advice, broader membership is appropriate (and indeed desirable, to ensure that key agencies and subject matter experts are appropriately involved). For this reason, it is suggested that such committees be permitted a lesser proportion of Commission-members (generally just one or two) with any formal recommendations made by such committees referred through the Commission for endorsement.



To increase the ability of the Commission to respond to issues promptly and effectively, greater flexibility to establish and disband committees has been identified as desirable. The ability to create committees is not restricted by legislation but rather by the Premiers Circular and protocols on the appointment of committee members. Discussion with the Minister to facilitate the establishment of time-limited specific project or advisory committees made up of pre-approved member types and agency representatives is recommended to reduce the delay and red tape involved in this process, and enable the agility recommended by the Action Plan. It is anticipated that the appointment of external non-government/public sector members would continue to require ministerial endorsement (though could reasonably be delegated in some circumstances). Transfer of the detail around current standing committees to regulation (as per recommendation 3) increases the flexibility to establish and disband these, whilst still retaining an appropriate degree of oversight.

Development of the processes and procedures around this updated approach to committees would occur in conjunction with the development of the proposed new regulations. As with membership of the Commission, it is recommended that transparency around the selection process for committee members be promoted.

To assist with further delegation to standing committees (and thus enable increased efficiency and focus on strategic planning matters) it is further suggested that:

- The restriction on delegation of region scheme recommendations to the Statutory Planning Committee be removed. The increased proportion of Commission members on the Committee and the increased strategic guidance available on such decisions should adequately address the governance concern previously associated with this important function, though parameters around the delegation could be specified to ensure the Commission retains responsibility for critical decisions.
- The requirement that delegations be published in the Government Gazette before coming into operation be removed. Not only will this streamline the delegation process, but it should enable more user-friendly documentation and publication of delegations in a consolidated format.

The previously recommended update to committee terms of reference provides the opportunity to confirm their role, focus on consistent language and governance and ensure alignment of functions. The following provides a summary:

WAPC Board: Seven to Nine members

Primary functions: governance, strategic planning and advisory

Focus on setting strategic direction responsive to the direction and priorities of government, monitoring trends and issues relevant to sustainable land use and development, developing strategies, policies and plans, and providing advice to the Minister as well as strategic governance and oversight functions.

7.1 Core Standing Committees

Executive, Finance and Property Committee:

Primary functions: execution, stewardship and property

Focus on resourcing and delivery of WAPC's strategic directions, and oversight and management of financial, compliance and governance activities.

Statutory Planning Committee:

Primary functions: Statutory planning frameworks and statutory planning decisions

Focus on development and application of statutory frameworks to deliver WAPC's strategic directions, policies and plans.

Swan Valley Planning Committee:

Primary functions: Statutory planning frameworks and statutory planning decisions

Focus on development and application of statutory frameworks to deliver WAPC's strategic directions, policies and plans applicable to the Swan Valley.

7.2 Project and Advisory Committees

Capital City Planning Committee:

Primary functions: Strategic Planning and coordination

Focus on collaborating with the City of Perth and key agencies to develop and maintain a clear and integrated strategic vision for City of Perth area, and considering how major initiatives and projects contribute to and fit within this.

Future of Fremantle Planning Committee:

Primary functions: Strategic planning and coordination

Focus on collaborating with the City of Fremantle and key agencies to develop an economic strategy and strategic land use plan and program for the defined Future of Fremantle area.

State Design Review Panel

Primary functions: Specialist advisory

Focus on providing advice on the design quality of major development proposals.

Other Committees may be established from time to time.

Review of delegations to the committees (and Department) could further assist in streamlining the Commission's operation. This should maintain the Commission's focus on strategic planning and governance activities but seek to increase delegation for more routine functions and decisions where the policy and strategic framework is well established.

Recommendation 9: Committees

- 9.1** Maintain the operation of the Executive Finance and Property Committee and Statutory Planning (and Swan Valley) Planning Committees as core standing committees of the Commission which assist it in the delivery of ongoing functions and decisions.
 - 9.2** Increase the representation of Commissioners on standing committees to include the Chairperson (or delegate) and at least two other commission members.
 - 9.3** Require that committees with delegation from the Commission comprise of a greater number of Commissioners than external members.
 - 9.4** Retain flexible provision for the establishment of additional committees to support the Commission in the delivery of its functions, including provision of specialist advice on a specific issue, project or area, and discuss options for an approval appointment procedure with the Minister.
 - 9.5** Introduce a procedure requiring referral of minutes of meetings of WAPC Committees to the WAPC for noting (and, where necessary, endorsement of recommendations).
 - 9.6** Remove provisions restricting the delegation of MRS functions and amendments to the Statutory Planning Committee.
 - 9.7** Undertake regular reviews (aim biennially) of delegations to confirm ongoing suitability, opportunities to expand, and adequacy of oversight.
 - 9.8** Remove the requirement for delegation notices to be published in the Gazette be removed to increase efficiency and allow a more user-friendly and accessible format to be resolved and published.
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8. AGENCY INPUT

The amendment of Commission constitution to make agency heads non-voting is proposed to reduce its size and to delineate the independence of the Commission's advice. However the input of and involvement of agencies in planning decisions remains crucial to both supporting well-informed decision-making and ensuring the implement-ability of plans. Securing the ongoing commitment and input of agencies into planning processes and decisions is consequently of great importance. To achieve this, the continued inclusion of agency Directors General (or their nominated senior representatives) in agenda circulation and meeting discussions as non-voting participants is proposed. This enables agencies to continue to have direct input WAPC decisions of most relevance to them, and to provide support to the Commission in its weighing of different technical and strategic considerations.

Whilst continued participation in meetings provides a direct input avenue to the WAPC at the decision point, additional mechanisms exist via:

1. Cross government strategic planning and coordination activities.
2. Committees, working groups and informal collaborations.
3. Applications and referrals.
4. Joint preparation of proposals, management plans and delegations.

Whilst the formal statutory referral and consultation processes are well established, a greater emphasis on informal engagement and collaborative approaches to break down 'siloes' activity is being pursued across government. In the context of the Commission's role, this can include:

- Inter-agency contributions to the Commission's strategic planning processes and outlook to enable shared identification of issues and priorities, and joint resourcing of responses.
- Greater use of committees and working groups (including agency representatives) to undertake strategic planning exercises.
- Greater use of informal briefing sessions for strategic planning exercises, complex matters, and major proposals.

Whilst the processes involved in consultation and collaboration between agencies are primarily delivered by the Department, the expectation is informed by the Commission and its approach to proactively requesting and responding to the active engagement of other agencies. Maintenance of strong relationships between authority chairpersons also assists.

Recommendation 10: Agency Input

- 10.1** Recognise and communicate the importance of multidisciplinary input to planning, and the planning process's role in balancing such inputs to optimise social, economic and environmental outcomes.
 - 10.2** Promote a collaborative approach to planning, including
 - Inter-agency contributions to the Commission's strategic planning processes and outline to enable shared identification of issues and priorities, and joint resourcing of responses
 - Greater use of committees and working groups (including agency representatives) to undertake strategic planning exercises.
 - Greater use of informal briefing sessions for strategic planning exercises, complex matters and major proposals.
 - 10.3** The Chairperson of the WAPC continue to engage directly with the chairs of related bodies (notably the EPA, IWA and Main Roads Commissioner) to discuss common issues and coordinated activity.
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9. INFRASTRUCTURE COORDINATION ROLE

The coordinated provision of infrastructure to enable and support use of land is intrinsic to integrated planning. Conversely land use often responds to infrastructure, developing around existing provision and seeking to protect it, enhance it, and to maximise its public benefit.

The Commission's function to *"plan for the coordinated provision of transport and infrastructure for land development"* traditionally saw it identify infrastructure need in new strategic plans and work with service agencies through the Infrastructure Coordinating Committee to forecast demand and align works. The depth and complexity of this task has, however, created challenges, felt across most states.

Infrastructure WA (IWA) was created to *"provide advice and assistance to the Government on matters relating to infrastructure, to assist in enhancing the efficiency and effectiveness of infrastructure planning and coordination (and) to promote the adoption of policies, practices, information and analysis to support decision making...⁶".* Key functions include the preparation and oversight of an infrastructure strategy for the state, development of a long-term infrastructure program and assessment of infrastructure proposals valued at over \$100M.

The creation of IWA provides an important supplement to the Commission's work, supporting the development of policies systems and processes to improve infrastructure planning and decision-making, and leadership on major infrastructure proposals in particular. The Commission's role in assessing the infrastructure implications of land use proposals, promoting the alignment of land use and infrastructure planning, and coordinated delivery to achieve land use priorities remain, and should benefit from improvements advanced by IWA.

Feedback from stakeholders has also suggested that the planning system could benefit from the Commission taking a stronger role in:

1. Identifying priority growth areas.
2. Identifying conflict and pressure points between planned infrastructure delivery and priority development and growth areas.
3. Coordinating the timely delivery of different infrastructure.
4. Reviewing options to facilitate servicing of fragmented land (including infill areas) and small-scale development - including cost allocation models.

5. Rationalising development contribution frameworks and mechanisms, and pre-funding arrangements.

Moving forward, the working relationship between the two agencies and the other service agencies is expected to develop as the delivery of the inaugural State Infrastructure Strategy rolls out. In the meantime, reclarification of the Commission's role and focus in infrastructure planning could assist in public comprehension and resource allocation. These draw from the Commission's existing strategic priorities, and the recommendations encapsulated in the State Infrastructure Strategy and include:

1. Continuing to embed rigorous assessment of infrastructure in strategic planning
2. Promoting holistic consideration of cost-benefit in determining preferred options
3. Reviewing and maintaining key strategic planning documents (including a scale-approach consideration of infrastructure implications)
4. Promoting decision making based on consistent and robust data and projections (including providing advice on population projections and growth rates)
5. Promoting an equitable approach to funding of infrastructure and development contributions to this
6. Taking a targeted approach to special precincts and issues such as the capital city, Fremantle Port area, strategic industrial areas, station precincts, urban forest and the like.

To advance coordinated activity, reactivation of the Senior Officers Group (which previously supported the Infrastructure Coordinating Committee) is suggested to provide a forum in which to share information and align work. Continued informal collaboration between key agency chairs, and representation of planning on the IWA board should also assist in advancing the state's collective interest in resolving interagency issues and coordinating activity. New forums, mechanisms and processes may develop in time, with the Infrastructure Strategy recommending review of the current system within 5 years.

⁶ Section 7, *Infrastructure Western Australia Act 2019* (Dept. of Justice, Parliamentary Counsel's Office)

Some additional specialist expertise and resourcing may benefit the Commission in advancing some of its priority initiatives, with a number of practitioners noting that the process of meaningfully integrating land use and infrastructure involves considerable knowledge, work and attention to detail.

Recommendation 11: Infrastructure Coordination Role

11.1 Confirm that the WAPC will continue to take an active role in coordinating the development and community infrastructure necessary to service zoned land and support realisation of economic, social and environmental outcomes and define its focus as to:

- Assess the infrastructure needs and implications of different land use options in preparing and assessing land use plans and proposals, drawing on the advice and expertise of service agencies and Infrastructure WA (IWA).
- Accommodate the preferred infrastructure option in approved land use plans, with consideration of how it is expected to be funded and delivered. Where relevant, indications of staging reflecting the efficient roll out of infrastructure will be included, along with guidance as to in which circumstances variation to staging may be considered.
- Support IWA and service agencies develop their long-term plans and promote collaboration to align capacity and timing to support delivery of serviced land and maximise public benefit.
- Provide advice to the Government, IWA and service agencies on forecast population growth, locations and rates of development and other planning assumptions.
- Provide advice to the Government, IWA and service agencies on servicing priorities from a land use planning and land supply perspective.
- Investigate key infrastructure issues relating to land use planning objectives (such as inhibition to urban infill in key locations, the development of priority precincts and others flagged in the State

Infrastructure Strategy) - based on defined criteria to identify priorities -and develop strategies to resolve these (subject to resource availability).

- Provide Government agencies support in developing funding programs and policies which reflect the objectives and interests of the state, optimise the return on public investment and integrate with planning processes.
- Provide government agencies support in developing the criteria informing the prioritisation of infrastructure and advocate for and provide advice to ensure it appropriately considers land use planning and land supply considerations particularly focussing on areas experiencing market failure the development of which aligns with government objectives and priorities.
- Develop and administer planning policies relating to the planning for, provision and funding of infrastructure required for development (including assessing Development Contribution Plans).
- Promote the sharing of information and establishment of a single digital 'source of truth' in relation to spatial, servicing and planning data.

11.2 To facilitate the coordination of infrastructure and land use planning activities, the WAPC propose reactivation of the Senior Infrastructure Officers Group (including a representative from IWA).

11.3 Priority initiatives identified in the State Infrastructure Strategy requiring additional funding and resourcing be further considered in future strategic planning and budgeting cycles.

10. SERVICING ARRANGEMENTS

The Commission undertakes its functions via a service arrangement with the Department of Planning, Lands and Heritage under which departmental staff prepare reports and advice for the Commission and administer its day to day activities. The terms of this agreement are documented in a joint Charter which outlines roles and responsibilities, and the principles of cooperation and mutual respect on which both parties wish to operate.

The Charter defines base service expectations and performance monitoring and reporting requirements but provides flexibility for changing priorities and strategic initiatives as defined through the cyclical strategic planning and budgeting process. This provides a more responsive and agile model than its more rigid predecessor and creates a sound framework for adjusting the allocation of resources to support increased strategic planning activity. It is subject to periodic review as are the appendices which define the detail of delivery. A recent review has been used to further refine the document to advance the objectives of this review and support an increased focus on strategic planning and streamlining of processes.

The Service Charter is supported by an annual Funding Charter which defines:

- recurrent funding provided by the Commission to the Department to provide base level and ongoing services, and
- itemised program and project funding to support specific initiatives reflective of the Commission's strategic priorities.

The bulk of funding supports the Commission's statutory functions with a modest allocation to recurrent strategic planning activities, supplemented by project funds for specific initiatives. Review of the funding allocation to prioritise strategic planning activities would advance the review objectives but would need to be off set through other areas and requires further consideration through budget processes.

Improved efficiencies in routine processes could assist in freeing resources and streamlining decision making. Many improvements have already been made in this regard (such as standardisation and update of subdivision conditions) and others are being actively pursued (such as standardisation and update of region schemes, and increased guidance on key instruments). Whilst review of the Department's internal processes falls outside of the scope of this review, other opportunities may exist through, for example:

1. Updates to reporting processes and templates (including an option to differentiate between attachments and additional information provided).
2. Regular reviews and extension (where appropriate) of delegation (as recommended above).
3. A regularly revisited and prioritised strategic and policy review program to maintain currency of key instruments.
4. A consistent and inclusive strategic and policy review scoping process by which key issues and foci are agreed at project commencement, and work is then targeted accordingly.
5. A key documents and mechanisms review program.

Update of the strategic planning and budgeting program to create a more generously staged and integrated cycle was also identified as highly desirable.

Additional (albeit minor) efficiency improvements could be achieved through the following minor modifications to the Act:

1. Amend clause 5 of Schedule 1 to allow the Chair of the WAPC rather than the Minister to grant leave of absence to a member. (The Minister else would still need to approve leave of absence by the Chair.)
2. Amend Clause 9 of Schedule 1 to allow for an out of meeting resolution to be signed / assented to by members via electronic means, and for resolution to be passed if enough to support a quorum respond within 48 hours and all responding members support the motion.

Other minor operational improvements identified through the review are included below.

Recommendation 12: Service arrangements

- 12.1** Amend the provisions related to the granting of leave of absence for members to authorise the Chairperson of the WAPC to approve this rather than the Minister.
 - 12.2** Amend the operational provisions to allow for an out of meeting resolution to be signed / assented to by members via electronic means, and for resolution to be passed if enough to support a quorum respond within 48 hours and all responding members support the motion.
 - 12.3** Stagger appointment periods for ordinary members (where feasible), to allow a degree of continuity.
 - 12.4** Appoint a deputy chairperson/s from the ordinary members.
 - 12.5** Redesign the (corporate) strategic planning, budgeting and reporting program into a staged cycle, integrated with the Department's cycle, and reintroduce as soon as possible.
 - 12.6** Maintain a regular and prioritised policy and key instruments review program to monitor currency of key instruments.
 - 12.7** Investigate amendments to reporting format to separate report Attachments (critical to understanding of a report or recommendation and so mandatory reporting) from Additional Information (from which report conclusions are drawn but which only need to be referred to for further detail if desired and made available in the interest of transparency).
 - 12.8** Review the delegation practices of the Commission to the Department of Planning Lands and Heritage to determine whether allocation to individual officers and positions would be better determined by the Director General rather than specified in the Commission's notice of delegation.
 - 12.9** Undertake a further review of transparency to determine whether additional confidential reports should be made publicly available (potentially, for matters in which the Minister is the determining authority, once the decision is made) or other improvements made to increase public understanding of and confidence in the planning system.
 - 12.10** Review conflict of interest declaration processes and procedures to allow for inclusion of standing declaration of conflict of interest on agendas.
 - 12.11** Request that the Department formalise a consistent approach to initiation of significant strategic projects and policy reviews including joint definition of scope and approach, and agreement on collaboration mechanisms to ensure appropriate agency input and option for involvement of a relevant Commission or Committee member on the project Working Group.
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11. CONCLUSIONS and NEXT STEPS

The review process has supported the conclusions of earlier exercises, including that the WAPC is a critical component of the planning system in need of update but not wholesale change. Whilst various options exist for its restructure, each with pros and cons, that recommended is the one most strongly aligned with the direction of the Action Plan and key stakeholder feedback. It fits comfortably with the role of the Commission as a collaborative but ultimately planning-focussed technical authority which supports the Government through its provision of independent advice and implementation.

To complement the restructure, the operational recommendations proposed should support a renewed focus on strategic planning leadership and improved efficiency to reflect the changing needs and priorities of our planning system. Many not requiring legislative change can be pursued immediately. Those requirement amendment to the *Planning and Development Act 2005* and / or creation of regulations to enable them will need to be staged to reflect the timing and outcome of this process.

APPENDIX 1 – ACTION PLAN EXTRACT

C9: The WAPC is more efficient and strategically-focussed

The WAPC is established as a Board of Management under the *Planning and Development Act 2005* (PD Act), which prescribes the functions, structure and responsibilities of the WAPC and its committees. The WAPC currently comprises 16 members, including six Directors General, four nominated representatives and six independent members with technical expertise relevant to the role of the WAPC. Changes to the membership of the WAPC and the Statutory Planning Committee have recently taken place, including the appointment of four new members to the WAPC and five new members to the SPC earlier in 2019.

The current structure and scope of the WAPC, however, means that it has less capacity to focus on strategic planning, maintain oversight of the planning system and the policy framework, and respond promptly to emerging trends and challenges.

OUTCOME: Changes to the structure, functions and operations of the WAPC to increase transparency and efficiency and enable a greater focus on strategic planning matters.

Actions:

The Chair of the WAPC will lead development of a new structure and operations for the WAPC and its committees. Options include:

- an independent WAPC board comprising of seven to 10 members
- a more flexible committee structure, with the power to form and disband committees as required to respond to emerging challenges, future work program and projects (noting that the Statutory Planning Committee and Executive, Finance and Property Committee perform core functions and will continue)

- fit-for-purpose arrangements for the provision of technical agency input from agency Directors General and CEOs on matters as required
- clear arrangements for the WAPC in leading key land use planning and infrastructure co-ordination activities which fall outside the scope of Infrastructure WA
- changes to the servicing and resourcing arrangements between the WAPC and DPLH to better support effective strategic planning and policy development.



Early actions

Community, local government and proponents are able to make better informed deputations:

- Timeframes will be established to notify key stakeholders when matters are coming before the SPC and WAPC for consideration.
- The WAPC and SPC to publish agenda papers that provide the 'key matters under consideration' for schemes and amendments, allowing deputations to address the areas of known concern.

APPENDIX 2

– EXTRACTS FROM *PLANNING AND DEVELOPMENT ACT 2005*

10. Membership of board

(1) The board is to consist of the following members —

- (a) a chairperson appointed by the Governor on the nomination of the Minister; and
- (b) 6 members appointed by the Governor, of whom —
 - (i) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of local governments within the metropolitan region submitted to the Minister by WALGA; and
 - (ii) one is to be a person nominated by the Minister from a list of the names of 4 persons representing the interests of the local governments outside the metropolitan region submitted to the Minister by WALGA; and
 - (iii) one is to be a person nominated by the Minister as having experience of the field of coastal planning and management; and
 - (iv) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of urban and regional planning, property development, commerce and industry, business management, financial management, engineering, surveying, valuation, transport or urban design; and
 - (v) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of environmental conservation, natural resource management or heritage interests; and
 - (vi) one is to be a person nominated by the Minister as having practical knowledge of and experience in one or more of the fields of planning and provision of community services, community affairs or indigenous interests;

and

(c) the least number of other members who include —

- (i) the chief executive officer of the department principally assisting in the administration of this Act; and
 - (ii) the chief executive officer of the department principally assisting in the administration of the *Water Agencies (Powers) Act 1984*; and
 - (iii) the chief executive officer of the department principally assisting in the administration of the *Transport Coordination Act 1966*; and
 - (iv) the chief executive officer of the department principally assisting in the administration of the *Environmental Protection Act 1986*; and
 - (v) the chief executive officer of the department principally assisting in the administration of the *Government Agreements Act 1979*; and
 - (vi) the chief executive officer of the department principally assisting in the administration of the *Housing Act 1980*; and
 - (vii) a person, whether a member under another subparagraph or another person nominated by the Minister, who has experience in the field of urban and regional planning and is employed in an agency, as defined in the *Public Sector Management Act 1994*, for which the Minister is responsible; and
 - (viii) a person nominated by the Regional Minister.
- (2) When the submission of a list of names is required for the purposes of subsection (1)(b)(i) or (ii), that submission is to be made to the Minister in writing signed on behalf of WALGA within such reasonable time after the receipt by WALGA of a notice from the Minister stating that the submission is required as is specified in the notice.
- (3) If a submission is not made under subsection (2) within the time specified under that subsection, the Minister may nominate a person the Minister thinks fit to be a member in place of the person referred to in subsection (1)(b)(i) or (ii).

11. Associate members of board, for regions

- (1) In this section —
regional matter means a matter that, in the opinion of the chairperson, affects more than one local government in a region referred to in Schedule 4.
- (2) The Governor may, on the nomination of the Minister, appoint an associate member for a region referred to in Schedule 4.
- (3) Each nomination by the Minister for appointment as an associate member under subsection (2) is to be made on the recommendation of the Regional Minister.
- (4) Where it appears to the chairperson that a regional matter is to be considered at a meeting of the board the chairperson may, by written notice specifying the time and place of the meeting, request the associate member for that region to attend that meeting for the consideration of that matter.

12. Board's constitution and proceedings (Sch. 1)

Schedule 1 has effect.

13. Remuneration and allowances

A member, a deputy member, an associate member or a member of a committee established under Schedule 2 or the *Swan Valley Planning Act 2020* section 33 is to be paid such remuneration and allowances as are determined by the Minister on the recommendation of the Public Sector Commissioner.

Division 2 — Functions and powers

14. Functions

The functions of the Commission are —

- (a) to advise the Minister on —
- (i) the coordination and promotion of land use, transport planning and land development in the State in a sustainable manner;
 - (ii) the administration, revision and reform of legislation relating to land use, transport planning and land development;
- (iii) local planning schemes, and amendments to those schemes, made or proposed to be made for any part of the State;
- and
- (b) to prepare and keep under review —
- (i) a planning strategy for the State; and
 - (ii) planning policies,
- as a basis for coordinating and promoting land use planning, transport planning and land development in a sustainable manner, and for the guidance of public authorities and local governments on those matters; and
- (c) to plan for the coordinated provision of transport and infrastructure for land development; and
- (d) to provide advice and assistance to any body or person on land use planning and land development and in particular to local governments in relation to local planning schemes and their planning and development functions; and
- (e) to undertake research and develop planning methods and models relating to land use planning, land development and associated matters; and
- (f) to keep under review the strategic planning for the metropolitan region and any other part of the State to which a region planning scheme applies and to make recommendations to the Minister on that strategic planning; and
- (g) to prepare and amend State planning policies under Part 3; and
- (h) to prepare region planning schemes under Part 4; and
- (i) to prepare improvement plans and improvement schemes under Part 8; and
- (j) to keep under review each region planning scheme and improvement scheme, to review the scheme completely whenever requested by the Minister to do so and to submit for approval under Part 4 or 8 any amendment considered necessary as a result of a review; and
- (k) to develop, maintain and manage land held by it that is reserved under a region planning scheme, an improvement scheme or the Swan Valley Planning Scheme and to carry out such works, including the provision of

facilities on the land, as may be incidental to development, maintenance or management or to be conducive to the use of the land for any purpose for which it is reserved; and

- (l) to establish, and exercise powers in relation to, committees under Schedule 2 and the *Swan Valley Planning Act 2020*; and
- (m) to do all things that are necessary for the purpose of carrying out this Act, region planning schemes, improvement schemes and the Swan Valley Planning Scheme; and
- (n) to do anything else that it is required or authorised to do by this Act, the *Swan Valley Planning Act 2020* or any other written law.

15. Powers

- (1) The Commission may do all things necessary or convenient to be done for or in connection with the performance of its functions.
- (2) Without limiting subsection (1), the Commission may, for the purpose of performing a function —
 - (a) subject to this Act, acquire, hold and dispose of real and personal property; and
 - (b) enter into an agreement with any person under which that person may acquire a lease of, a licence in respect of, or any other estate or interest in, any land mentioned in section 14(j); and
 - (c) develop and turn to account any technology, software or other intellectual property that relates to the function, and, for that purpose, apply for, hold, exploit and dispose of any patent, patent rights, copyright or similar rights; and
 - (d) enter into a contract or arrangement with a person or body (including a local government or a department of the Public Service, or other agency or instrumentality, in the State or elsewhere) —
 - (i) for the supply of equipment by that person or body; or
 - (ii) to provide consultancy or advisory services to that person or body; or

(iii) for the commercial exploitation of the knowledge, expertise and resources of the Commission and the rights referred to in paragraph (c);

and

- (e) subject to subsection (3), enter into a contract or arrangement with a person or body (including a local government or a department of the Public Service, or other agency or instrumentality, in the State or elsewhere) for the performance by that person or body of any work or the supply of services; and
 - (f) on terms and conditions approved by the Minister and the Treasurer, participate in any business arrangement and acquire, hold and dispose of shares, units or other interests in, or relating to, a business arrangement; and
 - (g) act in conjunction with a person, a firm, a local government or a department of the Public Service, or other agency or instrumentality, of the State, another State or Territory or the Commonwealth.
- (3) The Commission is not to enter into a contract or arrangement referred to in subsection (2)(e) unless —
- (a) the Minister has approved; and
 - (b) the contract or arrangement is entered into in such circumstances and for such periods as the Minister may from time to time specify by written notice given to the Commission.
- (4) For the purposes of subsection (2)(f) the Minister and the Treasurer may approve terms and conditions in respect of a specific business arrangement or class of business arrangement or in respect of business arrangements generally.
- (5) In this section —
- business arrangement** means a company, a partnership, a trust, a joint venture, an arrangement for sharing profits or an arrangement for sponsorship;
- participate** includes form, promote, establish, enter into, manage, dissolve, wind up, and do anything incidental to the participating in a business arrangement.

Schedule 1 — Constitution and proceedings of the Board

[s. 12]

1. Term used: appointed member

In this Schedule —

appointed member means a member appointed under section 10(1)(a) or (b).

2. Term of office

- (1) An appointed member or an associate member holds office for such period, not exceeding 5 years, as is specified in the instrument of his or her appointment, and is eligible for reappointment.
- (2) Despite subclause (1), if the period of office of an appointed member or associate member expires by effluxion of time without a person having been appointed to fill the vacancy, the appointed member or associate member continues in office until a person is appointed to fill the vacancy.

3. Appointments to be part-time unless stated otherwise

- (1) A member may be appointed on terms that require the member's duties to be performed on a fulltime basis.
- (2) Except as provided in subclause (1), appointment as a member or associate member is to be on a parttime basis.

4. Vacancies in and removal from office

- (1) The office of an appointed member or associate member becomes vacant if —
 - (a) the appointed member or associate member resigns the office by written notice addressed to the Minister; or
 - (b) the appointed member or associate member is an insolvent under administration as defined in the *Corporations Act 2001* of the Commonwealth; or
 - (c) in the case of a member appointed under section 10(1)(b)(i) or (ii) who holds office on the council of a local government at the time of appointment, the member ceases to hold office on the council of the local government; or

- (d) in the case of an appointed member, the appointed member is absent, without leave of the Minister, from 3 consecutive meetings of which the appointed member has had notice; or
- (e) in the case of an associate member, the associate member is absent, without leave of the Minister, from 3 consecutive meetings which the associate member was requested to attend under section 11(4); or
- (f) the appointed member or associate member is removed from office by the Governor under subclause (3).

- (2) Despite subclause (1)(c), a member referred to in that paragraph may continue in office until —
 - (a) a person is appointed to fill the vacancy; or
 - (b) a period of 3 months elapses after the vacancy arises,whichever is the sooner.
- (3) The Governor may remove an appointed member or an associate member from office if the Governor is satisfied that the member —
 - (a) is incompetent, has misbehaved or has neglected his or her duties as a member; or
 - (b) is suffering from mental or physical incapacity impairing the performance of his or her functions.

5. Leave of absence

The Minister may grant leave of absence to a member on such terms and conditions as the Minister thinks fit.

6. Deputy chairperson

- (1) The Governor, on the recommendation of the Minister, may appoint a person to be deputy chairperson.
- (2) A person appointed under subclause (1) may resign as deputy chairperson at any time by written notice given to the Minister.
- (3) The Governor, on the recommendation of the Minister, may revoke the appointment of the deputy chairperson.

- (4) Where the chairperson is unable to act because of sickness, absence or other cause, the deputy chairperson is to act in the chairperson's place.
- (5) No act or omission of the deputy chairperson acting in place of the chairperson under this clause may be questioned on the ground that the occasion for the acting had not arisen or had ceased.

7. Deputy members

- (1) The Governor may appoint a person to be the deputy of the member referred to in section 10(1)(b)(i) or (ii), in which case section 10(1)(b)(i) or (ii), (2) and (3) apply with any necessary modifications to and in relation to that appointment.
- (2) If a member, other than the chairperson, is unable to act because of sickness, absence or other cause, the deputy of the member may act in the place of that member, and while so acting that deputy member is to be taken to be a member.
- (3) An act or omission of a deputy member cannot be questioned on the ground that the occasion for the deputy member's acting had not arisen or had ceased.
- (4) The Governor, on the recommendation of the Minister, may revoke the appointment of a deputy member.

8. Meetings

- (1) Subject to subclause (2), meetings are to be held at such times and places as the board determines.
- (2) A special meeting of the board may, on reasonable notice to all members, be convened by the chairperson or any 2 members.
- (3) The chairperson is to preside at all meetings of the board at which he or she is present, or in which he or she is participating under clause 10.
- (4) If both the chairperson and the deputy chairperson are not present or participating, the members present or participating are to appoint a member to preside.
- (5) At any meeting of the board a number of members equal to at least one half of the number of members provided for by section 10 constitute a quorum.

- (6) Questions arising at a meeting of the board are to be decided, in open voting, by a majority of the votes of members and associate members present.
- (7) If the votes of members and associate members present at a meeting and voting on a question are equally divided, the person presiding has a casting vote in addition to a deliberative vote.

9. Resolution without meeting

A written resolution signed by each member or assented to by each member by letter or facsimile is as effectual as if it had been passed at a meeting of the board.

10. Telephone or similar meetings

A communication between a majority of the members by telephone, audiovisual or other electronic means is a valid meeting of the board if —

- (a) each participating member is capable of communicating with every other participating member instantaneously at all times during the proceedings; and
- (b) all members were advised that the communication would be taking place and were given the opportunity to participate.

11. Minutes of meetings

The board is to cause accurate records to be kept of the proceedings at its meetings.

12. Procedures

Subject to this Act, the board is to determine its own procedures.

Schedule 2 – Committees

[s. 19]

1. Committees, general provisions as to

- (1) In addition to the committees established under clauses 3 to 9 and the *Swan Valley Planning Act 2020* section 33, the Commission may from time to time establish other committees.
- (2) Subject to this Schedule and the *Swan Valley Planning Act 2020*, the Commission may —
 - (a) prescribe the constitution of a committee;
 - (b) authorise a committee to establish a subcommittee;
 - (c) appoint —
 - (i) members; or
 - (ii) members and other persons; or
 - (iii) persons other than members,to be members or deputy members of a committee;
 - (d) discharge, alter or reconstitute a committee.
- (3) The office of a member who —
 - (a) is appointed to a committee by the Commission to represent the interests of local government; and
 - (b) at the time of appointment holds office on the council of a local government, becomes vacant if the member ceases to hold office on the council of the local government.
- (4) Despite subclause (3), a member referred to in that subclause may continue in office until —
 - (a) a person is appointed to fill the vacancy; or
 - (b) a period of 3 months elapses after the vacancy arises,whichever is the sooner.

- (5) The Commission may give directions to a committee with respect to the performance of its functions, either generally or with respect to a particular matter, and the committee is to give effect to those directions.
- (6) Subject to the directions of the Commission and to the terms of any delegation under section 16 or the *Swan Valley Planning Act 2020* section 34, a committee may determine its own procedures.
[Clause 1 amended: No. 45 of 2020 s. 94.]

2. Deputy members for local government representatives

- (1) The Commission, with the approval of the Minister, may appoint a person to be a deputy of a member of a committee appointed under clause 4(2)(f), 5(2)(f), 6(2)(j), 7(2)(h) or (i) or 8(2)(d) or under the *Swan Valley Planning Act 2020* section 33(2)(c).
- (2) If a member of a committee referred to in subclause (1) is unable to act because of sickness, absence or other cause, the deputy of the member may act in the place of that member, and while so acting that deputy member is to be taken to be a member of that committee.
- (3) An act or omission of a deputy member cannot be questioned on the ground that the occasion for the deputy member's acting had not arisen or had ceased.
- (4) The Commission may revoke the appointment of a deputy member.
[Clause 2 amended: No. 45 of 2020 s. 95.]

3. Executive, Finance and Property Committee

- (1) The Commission is to establish a committee to be known as the Executive, Finance and Property Committee.
- (2) The Executive, Finance and Property Committee is to consist of —
 - (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and

- (c) one other member of the board appointed by the Commission; and
 - (d) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.
- (3) The Executive, Finance and Property Committee is to perform such of the administrative, financial and property functions of the Commission under this Act or any other written law as are delegated to the Executive, Finance and Property Committee under section 16 and such other functions as are delegated to it under that section.

4. Statutory Planning Committee

- (1) The Commission is to establish a committee to be known as the Statutory Planning Committee.
- (2) Subject to subclause (5), the Statutory Planning Committee is to consist of —
- (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) the member of the board referred to in section 10(1)(c)(viii) or a deputy appointed under subclause (3); and
 - (d) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in community affairs; and
 - (e) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, commerce and industry, engineering, surveying, valuation, transport, housing, heritage, environmental conservation, natural resource management, urban design, the planning and provision of community services or infrastructure; and
 - (f) a person approved by the Minister and appointed by the Commission to represent the interests of local governments; and
 - (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.

- (3) The Commission, for the purpose of subclause (2)(c), is to appoint a person nominated by the Regional Minister and approved by the Minister to be the deputy of the member referred to in section 10(1)(c)(viii).
- (4) The Statutory Planning Committee is to perform such of the functions of the Commission under this Act and Part 3 of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section.
- (5) Should the Commission delegate to the Statutory Planning Committee under section 16 not only the functions of the Commission under this Act in relation to planning schemes referred to in sections 33(2) and 34 and Part 3 of the *Strata Titles Act 1985* but also the functions of the Commission in relation to the Metropolitan Region Scheme, the Statutory Planning Committee may perform those latter functions only if the Statutory Planning Committee consists not merely of the persons referred to in subclause (2) but also of —
- (a) a member of the council of the City of Perth who is nominated for appointment as a member of the Statutory Planning Committee by that council and approved by the Minister; and
 - (b) 5 persons, each of whom is the chairperson of a district planning committee (other than the District Planning Committee for the City of Perth), or persons nominated by those persons and approved by the Minister.

[Clause 4 amended: No. 30 of 2018 s. 170.]

5. Sustainable Transport Committee

- (1) The Commission is to establish a committee to be known as the Sustainable Transport Committee.
- (2) The Sustainable Transport Committee is to consist of —
- (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) the member of the board referred to in section 10(1)(c)(viii) or a deputy appointed under subclause (3); and

- (d) the member of the board referred to in section 10(1)(c)(iii), or a person nominated by that person and approved by the Minister; and
 - (e) the Commissioner as defined in the *Main Roads Act 1930*, or a person nominated by that person and approved by the Minister; and
 - (f) a person approved by the Minister and appointed by the Commission to represent the interests of local governments; and
 - (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.
- (3) The Commission for the purposes of subclause (2)(c), is to appoint a person nominated by the Regional Minister and approved by the Minister to be the deputy of the member referred to in section 10(1)(c)(viii).
- (4) The Sustainable Transport Committee is to advise the Commission on all matters relating to transport planning throughout the State and to perform such of the functions of the Commission under this Act or any other written law as are delegated to the Sustainable Transport Committee under section 16.

[6. Deleted by No. 13 of 2019 s. 76(2).]

7. Coastal Planning and Coordination Council

- (1) The Commission is to establish a committee to be known as the Coastal Planning and Coordination Council.
- (2) The Coastal Planning and Coordination Council is to consist of —
- (a) a presiding member who is to be the member of the board referred to in section 10(1)(b)(iii); and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) the member of the board referred to in section 10(1)(c)(iv), or a person nominated by that member and approved by the Minister; and
 - (d) the chief executive officer of the department principally assisting in the administration of the *Conservation and Land Management Act 1984*, or a person nominated by that person and approved by the Minister; and

- (e) the chief executive officer of the department principally assisting in the administration of the *Fish Resources Management Act 1994*, or a person nominated by that person and approved by the Minister; and
- (f) the chief executive officer of the department principally assisting in the administration of the *Mining Act 1978*, or a person nominated by that person and approved by the Minister; and
- (g) the chief executive officer of the Western Australian Tourism Commission established by the *Western Australian Tourism Commission Act 1983*, or a person nominated by that person and approved by the Minister; and
- (h) a person approved by the Minister and appointed by the Commission to represent the interests of local governments within the metropolitan region; and
- (i) a person approved by the Minister and appointed by the Commission to represent the interests of local governments outside the metropolitan region; and
- (j) at least 2 persons approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, property development, engineering, heritage, community affairs, environmental conservation, indigenous affairs, natural resources management, tourism, coastal planning, urban design, commerce and industry or the provision of coastal infrastructure; and
- (k) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.

- (3) The Coastal Planning and Coordination Council is to advise the Commission on matters relating to coastal planning and coordination throughout the State and to perform such of the functions of the Commission under this Act or any other written law as are delegated to the Coastal Planning and Coordination Council under section 16.

[Clause 7 amended: No. 8 of 2009 s. 100(6).]

8. Regional planning committees

- (1) The Commission may establish a regional planning committee for the whole or any part of a region referred to in Schedule 4 if the Commission is satisfied that the need for the regional planning committee exists.
- (2) A regional planning committee is to consist of —
 - (a) the chairperson, or a person nominated by that person and approved by the Minister; and
 - (b) the chief executive officer, or a person nominated by that person and approved by the Minister; and
 - (c) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in community affairs; and
 - (d) not less than 2 persons approved by the Minister and appointed by the Commission from a list of the names of persons representing the interests of the local governments within the whole or part of the regions for which the regional planning committee is established submitted to the Commission by WALGA; and
 - (e) a person nominated by the Regional Minister, approved by the Minister and appointed by the Commission to represent the interests of the commission or commissions as defined in the *Regional Development Commissions Act 1993* within the whole or part of the region for which the regional planning committee is established; and
 - (f) a person approved by the Minister and appointed by the Commission as having practical knowledge of and experience in one or more of the fields of urban and regional planning, commerce and industry, engineering, surveying, valuation, transport, housing, heritage, environmental conservation, natural resource management, urban design, the planning and provision of community services or infrastructure, or community affairs; and
 - (g) such other person or persons as the Commission, after obtaining the approval of the Minister, appoints from time to time.
- (3) When the submission of a list of names is required for the purposes of subclause (2)(d), that submission is to be made to the Commission in writing signed on behalf of WALGA within such reasonable time after the receipt by

WALGA of a notice from the Commission stating that submission is required as is specified in the notice.

- (4) If a submission is not made under subclause (3) within the time specified under that subclause, the Commission may appoint such persons as it thinks fit to be members of the regional planning committee in place of the persons provided for in subclause (2)(d).
- (5) A regional planning committee is to —
 - (a) advise the Commission on planning for the region, or part of the region, for which the regional planning committee is established; and
 - (b) make recommendations to the Commission on the need for, and the extent and content of, region planning schemes; and
 - (c) perform such of the functions of the Commission under this Act, the *Strata Titles Act 1985* and any other written law as are delegated to the committee under section 16.

9. District planning committees

- (1) The —
 - (a) City of Perth; and
 - (b) groups of local governments referred to in Schedule 5,are each to establish a district planning committee.
- (2) A district planning committee —
 - (a) in the case of the City of Perth, is to consist of the City of Perth Planning Committee for the time being; and
 - (b) in the case of a district planning committee established by a group of local governments, is to consist of one member appointed by each of the local governments in the group to represent that local government.
- (3) A member appointed under subclause (2)(b) is to be the mayor or a councillor or member, as the case requires, of the local government.
- (4) If a local government does not appoint a member under subclause (2)(b), the Governor may appoint a person qualified under subclause (3) to be the member representing the local government.

- (5) A district planning committee —
- (a) is to assist and advise the Commission; and
 - (b) may, and at the direction of the Commission is to, make inquiries into and report and formulate recommendations in relation to the Metropolitan Region Scheme so far as it relates to the area or part of the area comprising the district which the district planning committee represents; and
 - (c) perform such of the functions of the Commission under this Act and any other written law as are delegated to the committee under section 16.
- (6) A district planning committee —
- (a) is to present its reports and recommendations to the Commission; and
 - (b) if directed under subclause (5)(b), is to present the report and recommendations within the time stipulated in the direction or such extended time as the Minister may authorise.

Schedule 3 — Metropolitan region

[s. 4]

All that portion of the State bounded by a line starting from the southwestern corner of Swan Location 2745 (South Latitude 31 degrees 27 minutes 23.105 seconds, East Longitude 115 degrees 33 minutes 35.604 seconds), being a point on the northernmost northern boundary of the local government district of Wanneroo, and extending easterly, generally southerly, again easterly, again generally southerly and again easterly along the boundaries of that district to the intersection of the prolongation northerly of the eastern boundary of Location 1584 with the prolongation westerly of the northern boundary of Location 2478, being a northwestern corner of the local government district of Swan; thence generally easterly, generally northerly, generally easterly, southerly, easterly and again southerly along the boundaries of that district to the easternmost southeastern corner of Location 1817, being a point on the northernmost northern boundary of the local government district of Mundaring; thence easterly, generally southerly, again easterly, again generally southerly, generally westerly, again southerly, again easterly, again southerly and again westerly and generally northwesterly along boundaries of the local government district of Mundaring to the intersection of the left bank of the Darkin River with the prolongation northerly of the western boundary of late preemptive Poison Right 8/228, being the easternmost

northeastern corner of the local government district of Kalamunda; thence southerly along the easternmost eastern boundary of the local government district of Kalamunda to the prolongation east of the southern boundary of Canning Location 710, being a northeastern corner of the local government district of Armadale; thence generally southerly, generally southeasterly, westerly and southwesterly along the boundaries of the local government district of Armadale to the 33 Mile Post on the northeastern side of Albany Highway, being a northeastern corner of the local government district of SerpentineJarrahdale; thence generally southeasterly, southerly, generally westerly and northerly along boundaries of the local government district of SerpentineJarrahdale to the northeastern corner of Lot 3 of Cockburn Sound Location 16, as shown on Land Titles Office 4 Diagram 2909, being a southeastern corner of the local government district of Rockingham; thence generally westerly along the boundaries of the local government district of Rockingham to the southwestern corner of Lot 236 as shown on Land Titles Office Plan 7931(2), (South Latitude 32 degrees 27 minutes 24.586 seconds, East Longitude 115 degrees 44 minutes 52.324 seconds); thence west 17 820.4 metres to East Longitude 115 degrees 33 minutes 30 seconds; thence north 110 932.1 metres to South Latitude 31 degrees 27 minutes 23.105 seconds and thence east 148 metres to the starting point.

[Schedule 3 amended: No. 60 of 2006 s. 147(8).]

Schedule 4 — Other regions

[s. 4, 11]

Item Region

1. Gascoyne Region

The districts of Carnarvon, Exmouth, Shark Bay and Upper Gascoyne.

2. GoldfieldsEsperance Region

The districts of KalgoorlieBoulder, Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku and Ravensthorpe.

3. Great Southern Region

The districts of Albany (Town), Albany (Shire), Broomehill, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, Tambellup and Woodanilling.

4. Kimberley Region

The districts of Broome, DerbyWest Kimberley, Hall's Creek and WyndhamEast Kimberley.

5. Mid West Region

The districts of Geraldton, Carnamah, Chapman Valley, Coorow, Cue, Greenough, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Three Springs, Wiluna and Yalgoo.

6. Peel Region

The districts of Mandurah, Boddington, Murray and Waroona.

7. Pilbara Region

The districts of Port Hedland, Ashburton, East Pilbara and Roebourne 5.

8. South West Region

The districts of Bunbury, AugustaMargaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Capel, Collie, Dardanup, DonnybrookBalingup, Harvey, Manjimup and Nannup.

9. Wheatbelt Region

The districts of Narrogin (Town), Northam (Town), Beverley, Brookton, Bruce Rock, Chittering, Corrigin, Cuballing, Cunderdin, Dandaragan, Dalwallinu, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Moora, Mount Marshall, Mukinbudin, Narambeen, Narrogin (Shire), Northam (Shire), Nungarin, Pingelly, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, Westonia, Wickepin, Williams, WonganBallidu, Wyalkatchem, Yilgarn and York.

Schedule 5 – Local governments – metropolitan region

[Sch. 2, cl. 9(1)(b)]

1. SOUTHWEST GROUP

City of Cockburn
City of Fremantle
City of Melville
City of Rockingham
Town of East Fremantle
Town of Kwinana

2. WESTERN SUBURBS GROUP

City of Nedlands
City of Subiaco
Town of Cambridge
Town of Claremont
Town of Cottesloe
Town of Mosman Park
Shire of Peppermint Grove

3. NORTHWEST GROUP

City of Stirling
City of Wanneroo
Town of Vincent
City of Joondalup

4. SOUTHEAST GROUP

City of Armadale
City of Canning
City of Gosnells
City of South Perth
Town of Victoria Park
Shire of Serpentine-Jarrahdale

5. EASTERN GROUP

City of Bayswater
Town of Bassendean
City of Belmont
Shire of Kalamunda
Shire of Mundaring
City of Swan

APPENDIX 3

– ROLES and COMPOSITION OF COMMITTEES

(AS STATED IN TERMS OF REFERENCE)

Executive, Finance and Property Committee

As detailed in Schedule 2(3) of the Act:

“The Executive, Finance and Property Committee is to perform such of the administrative, financial and property functions of the Commission under this Act or any other written law as are delegated to the Executive, Finance and Property Committee under section 16 and such other functions as are delegated to it under that section.”

Most of its activities centre on monitoring development projects, the acquisition and disposal of property, and associated capital works.

As resolved by the WAPC at the meeting held 24 November 2009, the role of the Executive, Finance and Property Committee is to:

1. perform the property functions of the WAPC including but not limited to the approval of:
 - a. land dealings such as acquisitions, disposals and leasing of property;
 - b. claims for compensation and injurious affection;
 - c. the development, maintenance and management of WAPC land;
2. perform the financial functions of the WAPC including but not limited to the approval of:
 - a. WAPC expenditure, budget adjustments and borrowing;
 - b. the annual WAPC financial statements and annual report;
 - c. the appointment of internal auditors;
 - d. reports prepared by the internal and external auditors;
 - e. contracts, contract variations, Memoranda of Understanding between the WAPC and other parties;
 - f. Department of Planning positions incurring WAPC expenditure;

3. develop and recommend to the WAPC the broad priorities of the WAPC and to identify mechanisms to translate these priorities into action through the Single Planning Program and other mechanisms;
4. recommend to the WAPC the adoption of the annual published budget;
5. perform such other administrative functions of the WAPC;
6. consider such matters of urgent WAPC business referred to it as recommended by the Director General, Department of Planning with the approval of the Chairman.

Statutory Planning Committee

Schedule 2(4)(4) of the Planning and Development Act 2005 (PD Act)

The Statutory Planning Committee is the WAPC's regulatory decision-making body and performs such of the functions of the WAPC under the *Planning and Development Act 2005* and Part II of the *Strata Titles Act 1985* as are delegated to the Statutory Planning Committee under section 16 and such other functions as are delegated to it under that section. These functions include approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister for Planning on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme.

Delegated Authority (Del 2017/01) Powers of Committee

Planning and Development Act 2005 Section 16(1)

- 2.1 Power to determine applications for approval to commence and carry out development lodged with or referred to the WAPC pursuant to the provisions of a region scheme.
- 2.2 Power to approve detailed plans requiring the subsequent approval of the WAPC as a condition of development approval pursuant to the provisions of a region scheme and power to confirm that conditions imposed by the WAPC on a development approval pursuant to the provisions of a region scheme have been complied with.
- 2.3 Power to determine whether or not proposals and the ongoing implementation of a region scheme comply with conditions (if any) applied pursuant to sections 48F and 48J of the *Environmental Protection Act 1986*.

- 2.4 Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under a region scheme requiring such determination.
- 2.5 Power to request the Minister for Planning to approve the WAPC disregarding the advice of the Swan River Trust in whole or in part in relation to the approval of development of land within the Riverbank or Development Control Area as defined under the *Swan and Canning Rivers Management Act 2006* where the determining authority is the WAPC.
- 2.6 All functions of the WAPC as set out in -
- (i) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 185, 214, 215, 216 of the Act;
 - (ii) Planning and Development (Local Planning Schemes) Regulations 2015;
 - (iii) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (iv) *Strata Titles Act 1985* or the provisions of a strata or survey-strata scheme;
 - (v) *Strata Titles General Regulations 1996*;
 - (vi) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (vii) Section 40 of the *Liquor Control Act 1988*;
 - (viii) *Perry Lakes Redevelopment Act 2005*.
- 2.7 Power to determine requests for variations to plans of subdivision where WAPC approval is required pursuant to the provisions of an approved local planning scheme.
- 2.8 Power to provide comment on and grant approval to plans known generally as outline development plans, structure plans and similar plans, and to planning policies and similar documents or amendments thereto, requiring the approval or endorsement of the WAPC pursuant to the provisions of a local planning scheme.
- 2.9 Power to provide comments or advice on behalf of the WAPC to a local government or a redevelopment authority where a provision of a local planning scheme or a redevelopment scheme requires comments from the WAPC.
- 2.10 Power to execute and accept the benefit of easements in gross, covenants in gross, records on title and other instruments for dealings in land for subdivisions, strata subdivisions and developments in accordance with any applicable policy and legislation.
- 2.11 Power to make recommendations to the Minister for Planning in relation to requests from local governments to expend monies paid by subdividing land owners in lieu of setting aside free of cost to the Crown, areas of land for public open space, where such recommendations are in accordance with WAPC policy.
- 2.12 Power to determine whether or not a proposal is likely to have a significant effect on the environment pursuant to section 38(1) of the *Environmental Protection Act 1986* and to refer such proposal to the Environmental Protection Authority.
- 2.13 Power to waive or clear conditions affixed as conditions of approval.
- 2.14 Power to endorse diagrams and plans of survey and deposited plans involving the acquisition and resumption of land created pursuant to Part 11 of the Act and the *Land Administration Act 1997*.
- 2.15 Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act.
- 2.16 Power to defend and otherwise deal with applications for review lodged with the Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law.
- 2.17 Power to defend, respond, appeal and otherwise deal with legal proceedings.
- 2.18 Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.
- 2.19 Power to determine matters under Regional Interim Development Orders.

2.20 Such powers and functions of the WAPC as set out in —

- (1) Part 5 and 8 of the Act and the Planning and Development (Local Planning Scheme) Regulations 2015 in relation to any Improvement Plan or Improvement Scheme; and
 - (2) Any gazetted Improvement Scheme;
- but excluding matters concerning —
- (i) applications for approval to developments of State or Regional Significance;
 - (ii) scheme amendments relating to zoning (including amendments to the zoning table);
 - (iii) the preparation of a new Improvement Plan or Scheme

for land within the City of Karratha, the Shire of Ashburton and the Shire of Broome to be designated by the Statutory Planning Committee as Anketell, Maitland, Ashburton North and Browse LNG Precinct Strategic Industrial Areas.

Capital City Planning Committee

The committee was established, on 26 October 1999 under Section 19(1)(a) of the *Western Australian Planning Commission Act 1985*, to oversee and provide direction for planning in the Perth central area. It exercises delegated authority to deal with the City of Perth town planning scheme and scheme amendments; the Metropolitan Region Scheme and amendments; subdivisions, strata titles, leases and licences; and development on reserved land within the City of Perth.

The Western Australian Planning Commission resolved on 28 August 2007 to:

Endorse the proposed changes to the terms of reference of the Central Perth Planning Committee, being:

The Committee will have both statutory, as well as strategic functions. These functions are as follows:

1. To undertake by delegation from the WAPC, the statutory planning decision process for the central area of Perth;
2. To set the strategic direction for planning in the Perth Central Area and provide a forum for the discussion of strategic issues;

3. To provide guidance for the preparation of strategic plans and the co-ordination of strategic planning matters affecting the Perth Central Area;
4. To assist the WAPC and the City of Perth in any on-going review or amendments of/to the City of Perth Planning Scheme; and
5. To provide advice on referral from other decision-making bodies on planning and development issues in central Perth.

The Committee shall operate in the following manner:

1. Government agency members will support the committee by ensuring that their officers work collaboratively on strategic issues and matters and bring items of significance to the committee.
2. On strategic matters the committee will make decisions on a consensus basis rather than by vote.

Terms of Reference

The Executive, Finance and Property Committee resolved on 17 February 2016 to endorse the revised Terms of Reference for the Central Perth Planning Committee.

The Committee will have primarily a strategic focus / function as follows: -

Leading the development and implementation of a strategic vision for Perth by;

- (i) Setting the strategic direction for the planning of the Perth Central area and surrounds (where applicable) and provide a forum for the discussion of strategic land use planning and infrastructure issues.
- (ii) Progressively implementing the vision, objectives, principles and implementation priority actions set out in the Central Perth Capital City Planning Framework Report (Feb 2013).
- (iii) Extending the planning principles established within the Capital City Planning Framework to include consideration of the physical and experiential qualities of the city.
- (iv) Providing guidance for the preparation and endorsement of strategic plans and the coordination of strategic planning matters/issues/policies affecting the Perth Central area.
- (v) Assisting the WAPC and the City Of Perth (as required) in any ongoing review or amendments of/ to the City of Perth Town Planning schemes and policies.

- (vi) Providing whole of government advice to other decision making authorities on planning and development issues and plans within the Perth Central Area and other relevant matters associated with the Capital City Planning Framework (Feb 2013).
- (vii) Developing key planning principles, objectives, and associated policies plus other tools, including action to support decision making authorities in the delivery of vibrant, sustainable city community, the provision of services, and improved amenity for current and future residents.
- (viii) Developing in association with the Office of the Government Architect, a City Urban Design vision for the Perth Central area.
- (ix) Facilitating the development of a Swan River/Perth Water vision which is able to be reflected in appropriate structure plans and/or other planning instruments.
- (x) Supporting the formation of working (officer) groups to undertake priorities determined by an annual works programme endorsed by the Committee.
- (xi) Generally aligning with State Policy Better Places and Spaces by encouraging and facilitating improved built environment outcomes within the city.

*** Note: The above numbering has been taken from the approved Terms of Reference document.

Delegated Authority: (Del 2017/01)

Planning and Development Act 2005 Section 16(1) (only where the matters under consideration by the Committee are within the area of the City of Perth)

- 5.1 All functions of the WAPC as set out in—
 - (1) subsections (f)(i)(j)(l) of section 14 of the Act;
 - (2) Part 4 of the Act;
 - (3) the Metropolitan Region Scheme.
- 5.2. Power to determine whether or not applications to commence and carry out development are of State or regional importance, or in the public interest, pursuant to any resolution of the WAPC made under clause 32 of the Metropolitan Region Scheme requiring such determination.

- 5.3. All functions of the WAPC as set out in —
 - (1) Sections 14(a), 14(c), 34, 97, 98, 100, 104, 105, 106, 107, 109, 110, 111, 135, 136, 138, 139, 140, 142, 143, 144, 145, 147, 151, 153, 154, 157, 169, 214, 215, 216 of the Act;
 - (2) Town Planning Regulations 1967;
 - (3) Regulations 21, 22, 24 and 27 of the Planning and Development Regulations 2009;
 - (4) *Strata Titles Act 1985* or the provisions of a strata or survey strata scheme;
 - (5) Strata Titles General Regulations 1996;
 - (6) Section 52 and section 85 of the *Land Administration Act 1997*;
 - (7) Section 40 of the *Liquor Control Act 1988*

(subject to the exercise of these functions having due regard in each case to published WAPC policy).
- 5.4. Power to advise the Minister for Planning on any appeal or matter arising therefrom pursuant to Part 14 of the Act (subject to the exercise of the functions under this clause having due regard in each case to published WAPC policy).
- 5.5. Power to defend and otherwise deal with applications for review lodged with the State Administrative Tribunal and to appeal, defend, respond and otherwise deal with any matter that may be appealed to the Supreme Court on a question of law (subject to the exercise of these functions having due regard in each case to published WAPC policy).
- 5.6. Power to defend, respond, appeal and otherwise deal with legal proceedings (subject to the exercise of these functions having due regard in each case to published WAPC policy).
- 5.7. Power to prepare and approve, subject to the prior approval of the Minister for Planning, policies relating to planning matters and/or the functions of the WAPC, save and except for State Planning Policies under Part 3 of the Act.

Future of Fremantle Planning Committee

Purpose: The State Government has endorsed the independent Westport Taskforce's recommended location and design for a future container port at Kwinana. The selected location of the new future port potentially presents an opportunity for future redevelopment of Fremantle's North Quay and surrounding land, as well as making the Victoria Quay amenable to other uses by removing industrial trades from the inner harbour.

The Future of Fremantle Planning Committee (FFPC) has been established to respond to this opportunity, by progressing land-use and economic development opportunities for Fremantle arising from the Westport initiative.

Objectives: The FFPC will examine the future of Fremantle, with a strong focus on redeveloping Fremantle's North Quay, and surrounding land, while also examining other uses for Victoria Quay (project area). The key objectives of the FFPC are to:

- Develop a vision for the future redevelopment of Fremantle Port's inner harbour land in a manner that optimises the inner harbour's unique development opportunities and integrates the harbour with the broader development of the City of Fremantle.
- Develop an employment strategy to help inform the master plan to maintain local jobs while transitioning the inner harbour to other land uses.
- Examine the planning of the North Fremantle Precinct and finalise the work being undertaken by the North Fremantle Development Precinct Technical Advisory Group.
- Investigate new economic opportunities and developments in the project area.

Source: WAPC Secretariat – Terms of Reference

Committee Membership

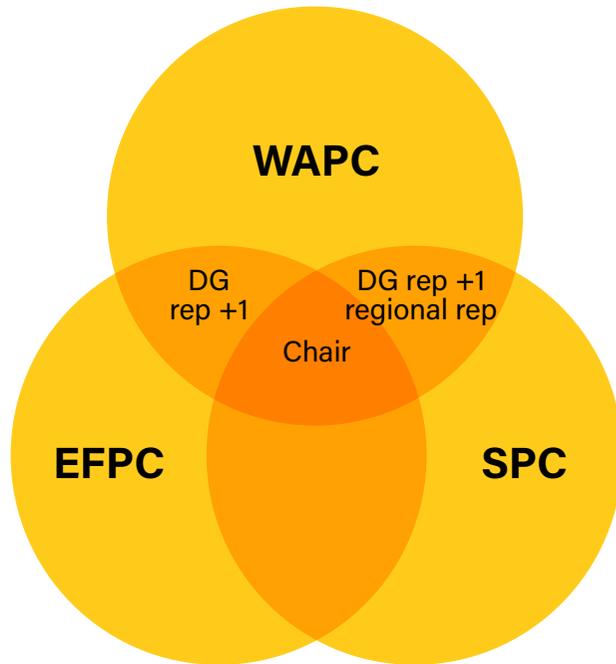
Most committees are to include the Commission chairperson and planning CEO, or a person/s nominated by that person/s and approved by the Minister. Most other appointments are also subject to ministerial approval, though the Commission has sole responsibility for one appointment to the Executive, Finance and Property Committee, and District Planning Committee local government representatives are self-nominating. The Swan Valley Statutory Planning Committee is required to include 5 members of the Statutory Planning Committee in addition to the Chairperson (or their nominee).

Membership is published on the [Commission's website](#).

Cross-representation between the WAPC and its core committees is shown below:

- WAPC: Up to 15 Commissioners including up to 6 ex-officio.
- Executive, Finance and Property Committee: Minimum 3 members being 3 Commissioners (WAPC Chair, Planning Director General or delegate and one other: currently the WAPC's metropolitan local government representative) plus other such person or persons approved. Currently 5 members including WAPC Chair and another member of the Statutory Planning Committee.
- Statutory Planning Committee (SPC): Minimum of 6 members including 3 Commissioners (WAPC Chair, Planning Director General or delegate and WAPC's regional representative) plus other such person or persons approved. Currently 9 including WAPC Chair and abovementioned member of EFPC.

As the Planning DG has nominated different delegates to the EF&PC and SPC, the only current overlap in membership between the WAPC and these two committees is the Chair and one additional member of each.

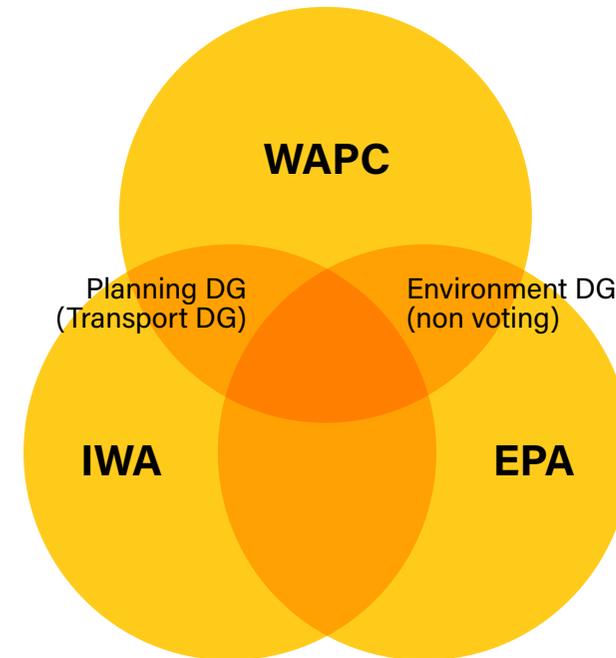


In relation to other operational committees:

- Capital City Planning Committee: currently consists of 11 members including two Commissioners (WAPC Chair and Planning DG)
- Swan Valley Planning Committee: consists of nine members including one Commissioner (WAPC Chair) and five SPC members
- Future of Fremantle Committee: 12 members including two Commissioners (including WAPC Chair).

The State Design Review Panel (SDRP) is also established as a committee of the Commission but operates differently, by selecting members from a pre-established panel to review and provide advice on nominated projects. The advice is non-binding but may be considered by the WAPC or its committees in determining applications. The SDRP can also provide advice to other organisations. It is chaired by the Government Architect.

In relation to other related boards, the Director General of Planning, Lands and Heritage sits on both the WAPC and Infrastructure WA board (ex officio), and the Director General of the environment portfolio sits on both the WAPC (ex officio) and may attend EPA meetings and participate in discussions (but not vote). The Director General of Transport sits on the WAPC as ex-officio and is currently appointed as a general member to IWA, though this is not statutorily required.



The Director General of Planning, Lands and Heritage is represented (by proxy) on the Swan River Trust.

APPENDIX 4

– SCAN OF EASTERN STATES and OTHER MODELS

Before considering options, a range of interstate examples have been reviewed to inform the identification and assessment of alternatives. These are summarised as follows:

4.1 New South Wales (NSW)

The NSW Independent Planning Commission (IP Commission) was established under the *Environmental Planning and Assessment Act 1997* on 1 March 2008. The Commission seeks to provide independent and objective decision-making around significant development proposals, provide advice to the Minister and hold public hearings where requested by the Minister. It operates independent of the Department of Planning, Infrastructure and the Environment. Its members include individuals representing a range of expertise, appointed by the Minister. The IP Commission currently comprises 18 members who can be convened onto panels. District Planning Panels are regularly convened involving three Commission members and two local government representatives.

The IP Commission operates under a Code of Conduct and has 21 procedural policies in place⁷.

The Greater Sydney Commission (GS Commission) was established to lead metropolitan planning for the Greater Sydney Region, promote orderly development within this, promote a supply of housing and alignment of government infrastructure and land use planning. The GS Commission's primary function is to provide advice and recommendations to the Minister and other Ministers regarding the planning and development of the region. It comprises:

- Four greater Sydney Commissioners
- Five District Commissioners
- Five ex-officio representatives of key government departments including:
 - Premier and Cabinet.

⁷ [Independent Planning Commission - About us \(nsw.gov.au\)](https://www.nsw.gov.au/independent-planning-commission/about-us)

- Planning and Environment.
- Transport.
- Treasury.
- The Commission CEO.

Appointments are made by the Minister and must demonstrate expertise in one of a list of fields: In addition to the Chief Commissioner, a Social Commissioner, an Environment Commissioner and an Economic Commissioner have been appointed in addition to three area-based District Commissioners. District Commissioners are appointed by the Minister after receiving advice from local governments in the area.

The GS Commission has three standing committees addressing:

- Finance and Governance
- Strategic Planning
- Infrastructure Delivery. This latter committee includes representatives of the Health and Education departments.⁸

4.2 South Australia

The South Australian Planning Commission was established on 1 April 2017 as the state's principal planning advisory and development assessment body, providing independent advice and leadership on all aspects of planning and development.

The Commission's charter is to act in the best interests of all South Australians, promoting the principles of good planning outlined in the *Planning, Development and Infrastructure Act 2016* to encourage state-wide economic growth and support liveability. It reports directly to the Minister for Planning and Local Government and is responsible for:

- Delivery of the new planning system and management of its instruments.
- Leading the development of planning policies that are informed by genuine engagement with our community.
- Ensuring future development is coordinated with the provision of public transport, roads, services and open space.

⁸ [Home Page | Greater Sydney Commission](#)

- Guiding councils and professionals in the delivery of new planning services
- providing advice and recommendations on government planning policy.
- Analysing and assessing upcoming development projects.
- Coordinating planning with infrastructure.
- Guiding local council and accredited professionals in the delivery of new planning services and community engagement.

Members of the Commission share expertise across a broad range of disciplines that span the planning sector to ensure they have the knowledge and representation to make informed decisions. These areas include:

- Planning, urban design or architecture.
- Project delivery or executive leadership.
- Development or building construction.
- Public, social or environmental policy.
- Local government, public administration or law.

It operates subject to its own charter, procedures, delegations, and code of conduct.

A strategic governance framework and operating procedures have been established to enable it to administer its duties and responsibilities under the *Planning, Development and Infrastructure Act 2016*, including:

- A Charter, policies, procedures, delegations and governance manual.
- An assessment sub-committee and sub-committee structure.
- A code of conduct.
- publication of an annual report.
- publication of its strategic plan.

It comprises:

- Between four and six specialist members representing a range of expertise
- One public sector member (other than the CEO) responsible for administering the Act.

- With the option to second between one and two additional specialists from a list established by the Minister on an as needs basis to address specific matters.

Appointments are made by the Minister.

4.3 Victoria

The Victorian Planning Authority (VPA) is a statutory authority which reports to the Minister for Planning. It was originally established in 2006 as a Growth Areas Authority but its role was expanded to undertake strategic planning and infrastructure coordination for the state's cities and regions.

It provides advice to the Minister and works with government agencies and councils to advance state planning objectives and support the productivity, liveability, housing affordability and environmental quality for Victorian communities, and facilitate timely and coordinated delivery of infrastructure. It can establish sub-Committees however each committee must be chaired by an Authority member.

Its Board comprises a Chairperson, deputy chair and between three and five other directors. One must have, in the opinion of the Minister, substantial experience or knowledge of local government. Members must demonstrate experience, skills, or knowledge in one of a number of listed fields. Appointments may be part or full time for a period of up to four years, with eligibility for reappointment.

4.4 Australian Capital Territory

The National Capital Authority (NCA) is established under the *Australian Capital Territory (Planning and Land Management) Act 1988*. It comprises five members including a chair, appointed by the Governor General. Where the Chair takes the role full time, they also act as Chief Executive Officer. If part time, the Chief Executive Officer sits on the board as one of the four additional members.

The role of the Authority is to prepare, administer and maintain the National Capital Plan. It can also undertake or recommend works and, with the approval of the Minister, perform planning services for other persons or bodies.

The Authority can establish advisory committees with the approval of the Minister.

4.5 Tasmania

The Tasmanian Planning Commission (TPC) is established to:

- Provide advice to the Minister in matters relating to land use planning and performance of related functions.
- Plan for the coordinated provision of transport and infrastructure for land use.
- Provide advice to local government in relation to planning schemes and their administration.

It is required to perform its functions to further objectives set out in a schedule of the Act which include the sustainable development of natural and physical resources, fair, orderly and sustainable use and development of airland and water, facilitation of economic development and encouragement of public participation.

The Commission comprises of one full time joint Executive Commissioner and Chair, and seven part time Commissioners.

A review of the Commission was undertaken in 2020 which concluded that:

- Stakeholders highly value the independence of the TPC to review, assess and determine significant and contentious planning matters; have strong regard for the TPC's expertise, skills, capabilities, and professionalism; and are confident the TPC's decision-making is free of undue influence.
- The TPC public hearings are particularly highly valued because they enable transparency by providing an opportunity for people to have a say in planning decision-making in an informal context.
- The TPC is performing its roles and functions in a just, fair, efficient, and effective manner to the satisfaction of stakeholders. In particular, this includes assessing and determining Local Planning Schemes, Planning Scheme Amendments, Combined Scheme Amendments and Development Permits, and State and Regionally Significant Projects, and reviewing Draft Plans of Management.
- There is a general lack of community understanding of how land use planning and decision-making work in Tasmania, particularly developing and advising on land use regulations and policies and the assessment and determination of planning matters. This uncertainty exists because there is a perceived overlap in these functions, some of which are partly due to the role

of the TPC and others which are partly the role of the recently established Planning Policy Unit (PPU). During the Review, many stakeholders felt strongly that the role and function of the TPC and PPU cannot be considered in isolation.

- The community and some stakeholder uncertainty over which the organisation is responsible for developing and advising on land use regulation and policy, inhibits the TPC from performing some of its roles and functions in an efficient, effective, fair and just manner to the satisfaction of all stakeholders. Further, some perceive there is a conflict in the roles of TPC to advise the Minister and local governments on the development of regulations and policies, undertaking technical reviews of some of these regulations and policies, and then to assess and determine planning matters against those regulations and policies.
- If the Tasmanian Planning System continues to operate without clear responsibility for developing and advising on land use regulations and policies, it is unlikely the policy gaps in the Tasmanian Planning System identified during the Review will be sufficiently addressed and there is a significant risk that Tasmania will end up with unplanned growth as it is now on a growth trajectory.
- Whilst there is confidence that the TPC's model of using development assessment panels comprising experts to assess and determine planning matters is free of undue influence, the operationalisation of this model through a small pool of experts, many of whom are TPC staff and technically employees of the Tasmanian Government, means decision-making is not at sufficient arm's length from Government. There are inadequate safeguards in place to reduce the potential for avoidance of conflicts of interest (either perceived or actual) that is naturally elevated in land use decision-making and uniquely heightened in the Tasmanian context due to the small size of the planning profession.
- To ensure adequate safeguards are in place to reduce the potential for conflicts of interest, clearer responsibility for and separation between land use regulation and policy development and statutory assessment and determination are needed alongside implementation of an independent expert model process for decision-making. To achieve this, the Tasmanian Government should establish an adequately resourced state planning agency with clear responsibility for developing and advising on land use

regulations and policies. The role of the TPC should be re-focused on its highly valued assessment and determination functions – this separation is critical. A pool of part-time, persons external to Government, decision-makers should be established to form development assessment panels to determine applications on a rotational, expertise informed basis.”⁹

The findings are specific to the Tasmanian system and so may have limited reference to other jurisdictions and arrangements. However, the need for clarity and focus on policy development and guidance speaks to the WAPC review objective to increase its strategic focus, whilst the observations regarding separation of policy and regulatory development from assessment and determination support the arm’s length operations of the WA Development Assessment Panels and may support maintenance of a Statutory Planning Committee with external membership.

4.6 Northern Territory

The Northern Territory Planning Commission operates under the *Planning Act 1999* and comprises a chairperson, three heads of statutory bodies (the Development Consent Authority, Heritage Council and EPA), one local government representative and up to five others. Its functions include:

- Reviewing and maintaining the Territory Planning Scheme and integrated strategic plans which sit within it.
- Preparing guidelines and assessment criteria
- Undertaking consultation
- Providing advice to the Minister and / or Development Consent Authority about strategic planning or other matters on which the Minister seeks advice.

The Act includes a statement of the independence of the Commission however terms are for a period of two years only.

⁹ Executive Summary, *Independent Review of the Tasmanian Planning Commission Report 2020*

4.7 United Kingdom

The United Kingdom (UK) system of government and, consequently, its planning system is quite different to the Australian one with no comparable middle / state level government. However, its framework and approach does provide some points of interest for this review:

- The process for plan making is driven by local government, within the context of national policy.
- The nationally established Planning Inspectorate provides a review function in the local plan making process, including hosting public hearings as part of a public examination, providing feedback and direction, and making recommendations to the Minister (or their delegate). This is in addition to its appeals function, and a role in certain applications (primarily infrastructure related).
- The Planning Inspectorate is a public agency operating as something of a hybrid between WA’s State Administrative Tribunal (in relation to its appeals function), WAPC and Department of Planning.
- The Planning Inspectorate Board is established to oversee the delivery of the inspectorate functions and seeks to “*work together to deliver decisions, recommendations and advice to customers in an open, fair, impartial and timely manner*”.
- The Board comprises:
 - A Chairperson
 - The Planning Inspectorate Chief Executive
 - Three non-Executive Directors
 - Two Executive Directors
 - A Department of Levelling Up, Housing and Communities representative.
- Non-executive members are appointed via the National Commissioner for Public Appointments who operates under a Code of Practice for Ministerial Appointments to Public Bodies.
- A Register of Board Members Interests is published on the Inspectorate website, with the usual requirements around declaration and non-participation on decision making where a conflict exists applying.

4.8 Environmental Protection Authority (WA)

The Environmental Protection Authority (EPA) was established in 1971 but now operates under the *Environmental Protection Authority Act 1986*. It:

- Comprises five members appointed by the Governor on the recommendation of the Minister for Environment.
- Is independent in that it is not subject to direction by the Minister, its advice to Government is public and its members are not public servants.
- Has a stated objective to “*use its best endeavours – a) to protect the environment and b) to prevent, control and abate pollution and environmental harm.*”
- Its functions include:
 - Conducting environmental impact assessments.
 - Preparing statutory policies for environmental protection.
 - Preparing and publishing guidelines for managing environmental impacts,
 - Providing strategic advice to the Minister for Environment.
- In appointing members to the Authority, the Minister must call for expressions of interest to the office.
- The position of Chair is full time.
- Appointments are for up to five years and may be subject to reappointment
- Whilst barred from being a member of the Authority, the CEO of the environmental agency (or their delegate) may attend meetings and take part in discussions but cannot vote.
- Disclosure of interest details are specified in the Act.

4.9 Infrastructure WA

Infrastructure WA (IWA) is a recently constituted board which was established through the *Infrastructure WA Act 2019*. The Act specifies that:

- At least half of the Board members must be non-government representatives. The Act requires that appointed Board members have appropriate expertise in the areas of infrastructure policy, planning, strategy, funding, financing, or delivery. The Board collectively, must also have expertise across a broad range of infrastructure sectors.
- The Premier cannot give a direction to IWA about the particular performance of a function or the content of any strategy, advice, report, guideline, or other document prepared by IWA. However, the Premier may provide directions on the performance of IWA's functions relating to other matters. Such directions must be tabled in Parliament within 14 days of the direction being given.

In discussing different models with eastern states practitioners, the WAPC's scope to engage in both pro-active strategic planning and policy development, and application and implementation was noted as a critical strength of the WA planning system. Coordination of land use planning and infrastructure delivery was noted as a challenge in many areas, with the robustness and credibility of strategic plans considered central to realising this objective.

Several states have recently been through or are going through planning reform programs of their own.



Department of **Planning,
Lands and Heritage**



APPENDIX 5 – ENGAGEMENT REPORT

'A More Efficient and Strategically Focussed Western Australian Planning Commission' Engagement Outcomes Report

July 2022



CONTENTS

1. INTRODUCTION.....	1
2. ENGAGEMENT METHODOLOGY.....	1
3. KEY FINDINGS.....	2
Strategic Focus.....	3
Composition and Skills.....	4
Agency Input.....	4
Transparency and Independence.....	5
Resourcing and relationship with DPLH.....	5
Efficiency and Operation.....	6
Infrastructure Coordination.....	7
4. KEY THEMES.....	7
5. CLOSE OUT AND NEXT STEPS.....	8
APPENDIX 1 – List of Direct Engagement Participants (2022).....	9
APPENDIX 2 – Summary of Feedback – Green Paper on Planning Reform (2019).....	11

1. INTRODUCTION

The Western Australian Government's 'Action Plan for Planning Reform' (2019) proposes a series of initiatives to simplify and modernise the planning system.

Initiatives are grouped under three primary goals:

1. Planning creates great places for people
2. Planning is easier to understand and navigate
3. Planning systems are consistent and efficient

Reviewing the structure and operation of the Western Australian Planning Commission (WAPC) to increase its efficiency and strategic focus was recommended as an initiative (C9) under the third goal. The Action Plan nominates the Chairperson of the Commission to lead this and consider a range of options including:

- An independent WAPC board comprising seven to 10 members.
- A more flexible committee structure with the ability to form and disband to respond to emerging challenges, work programs and projects (noting that the Statutory Planning Committee and Executive, Finance and Property Committee perform core functions and will continue).
- Fit for purpose arrangements for the provision of technical agency inputs as required.
- Clear arrangements for the WAPC to lead key land use planning and infrastructure coordinating activities outside the scope of Infrastructure WA.
- Changes to the servicing and resourcing arrangements between the WAPC and Department of Planning Lands and Heritage (DPLH) to better support effective strategic planning and policy development.

This report outlines the engagement process which has informed the review. It pulls together past and targeted engagement activities to inform the development of options and a preferred approach for improving the efficiency and efficacy of our state planning authority.

2. ENGAGEMENT METHODOLOGY

The Action Plan was formulated in response to a 'Green Paper on Planning Reform' prepared by an independent advisor to the Minister. The Green Paper was advertised for public comment in 2018, with the adopted Action Plan incorporating feedback received.

Subsequent to adoption of the Action Plan, further wide-spread engagement was undertaken in 2021 to identify priorities for Phase 2 of Planning Reform.

The Commission review process draws on the feedback received through these engagements, and the direction subsequently determined. Both consultation processes involved:

- Publication of engagement material on the Department of Planning Lands and Heritage webpage and in hard copy.
- Establishment of an online engagement portal with consultation material and submission form.
- Promotion of the consultation to the community and industry through stakeholder correspondence, industry newsletters, seminars and forums.
- Media releases and publications in newspapers.

The Green Paper was also promoted through outreach activity including shopping centre pop-ups to elicit broader public engagement.

To further inform the Commission review, additional targeted engagement was undertaken with key stakeholders to explore principles, challenges, opportunities, and options to achieve the Action Plan outcomes in more detail. This occurred via direct discussion with 70 individuals and groups including:

- Current members of the WAPC and its committees
- Past members of the WAPC and its committees
- Industry group representatives, including:
 - Planning Institute of Australia.
 - Western Australian Local Government Association.
 - Urban Development Institute of Australia.
 - Property Council of Australia.

- Local Government Planners Association.
- Australian Institute of Architects
- Staff at the Department of Planning, Lands and Heritage.
- Staff of the Office of the Government Architect
- Planning practitioners in WA and other states.
- Academics.

These discussions predominantly occurred between April and July 2022.

3. KEY FINDINGS

The key conclusions of the 'Green Paper on Planning Reform' included:

1. In order to deliver a more efficient¹⁰ and effective planning system, greater focus and effort needs to be directed to strategic land use planning to guide a streamlined development assessment process.
2. The WAPC has extensive responsibilities under the Act. These make for a substantial workload and scope, resulting in a lack of focus, delays and inefficiencies. It also places considerable demands on Commission and committee members.
3. The size of the Commission has made it unwieldy. The inclusion of public sector CEOs has also resulted in accountability issues with respect to their obligations to the Government, and their input to the WAPC as an independent advisor and decision-maker. With the machinery of government increasing portfolio scope, the demands on the time of the respective agency CEOs has also significantly increased.
4. The establishment of Infrastructure WA requires reclarification of roles in relation to infrastructure coordination.
5. The rigidity of structure, make up, and establishment protocols around Commission committees restricts the Commission's capacity to use these to provide the support it needs to address some of the above issues, and to do this in a timely manner.
6. Inhibitions to delegation also reduce the Commission's ability to increase its strategic focus.
7. A constructive working relationship with agencies and local governments is necessary to delivering effective strategic planning and efficient statutory planning; this requires a stronger leadership role from the Commission, and the development of greater levels of mutual trust and understanding.
8. There is an increasing expectation of transparency in the planning process, requiring clearer explanations of who makes what decisions, how and why, and prompting improved public accessibility to information.

¹⁰ Defined in the 'Green Paper for Planning Reform' as follows: "*efficiency means that **the planning system is well organised** with clear roles and accountabilities, and is competently managed to deliver key functions in the least complex way through well-defined and adaptable processes with the right resources and defined outcome measures. It also includes the "process efficiency" – **resolving obvious bottlenecks** that have emerged by developing practical solutions."*

Consultation on the Green Paper (refer Appendix 1) and Phase 2 of Planning Reform (refer Appendix 2) indicated that:

1. There is general support for reform of the WAPC in some manner to ensure that it has an appropriate structure, expertise and authority to it to fulfil its State-wide planning functions, including strategic planning function.
2. An increased focus and resources need to be assigned to strategically lead planning.
3. Different perspectives exist over the composition of the Commission and the extent to which this should be focussed on planning and development experience, versus inclusive of a wider range of expertise, with some concerns expressed over inadequate planning and development expertise. Concerns were also expressed over potential reduction in local government representation. Opinion was divided over whether government agencies should be included on the Commission.
4. Strategic planning and policy needs to be clear, well resolved and effective.
5. Strategic priorities and targets (such as infill goals) need to be clearly defined, and effectively monitored to track progress.
6. More flexible use of committees is supported, though some suggested that decisions on this should rest with the Minister.
7. WAPC and committee decision-making should be more transparent, consistent, and publicly available.

1. Further clarification of roles between the WAPC and DPLH is desirable.
2. Generally speaking, the technical aspects of the Commission are of more interest to industry groups and practitioners with community members who commented on this aspect more concerned with increased transparency, legibility and accountability.

Direct stakeholder engagement indicated that:

1. Overall, the Commission remains a critical and effective component in the WA planning system, the breadth of its role is a strength in supporting integrated planning (though can challenge its focus). It is generally well run and well supported, and manages its statutory functions effectively and efficiently. To improve its efficacy, it needs to increase its influence and role in inter-agency issue arbitration and provide clear well resolved strategic and

spatial direction well ahead of proposals. Greater clarification of its role in setting strategic direction versus that of the Government was thought to be beneficial by some.

Strategic Focus

2. An increased focus on and activity in strategic planning is key to increasing the efficacy and efficiency of the planning system. However, this is challenged by the urgency and volume of statutory matters and the resourcing demands of pre-existing commitments. Capacity limitations need to be acknowledged.
 - a. Some Commission members have felt restricted in their ability to raise and debate strategic issues, being constrained by the agenda, the time restrictions of other members, the formality of the setting and, during the pandemic, the limitations of on-line meetings. Use of briefing sessions was noted as helpful.
 - b. The size of some agendas, and the complexity and high profile of issues which can arise were noted as challenging by some, particularly those without a planning background. The long time-frames for many processes and issues could also be challenging for new members coming onto the Commission without background to them, and can create similar difficulties for proxy participants.
 - c. An increase in well resolved regional and sub-regional spatial plans was seen as desirable by many to provide a clear guide to decision-making and increase the coherence and legibility of the planning system. However, some participants noted that the resourcing and effort required to properly resolve conflicts in these earlier planning processes (rather than deferring them to subsequent stages) is often underestimated and can undermine effective strategic planning. Others noted that availability of information and buy-in from other agencies can be a challenge. Update of the State Planning Framework and Strategy was also a common suggestion.
 - d. Some participants noted that whilst an increase in strategic function is desirable, the Commission mustn't lose sight of its statutory functions as these are core.
 - e. Building strong and collaborative relationships with local governments and other agencies was noted as vital to delivering coordinated planning.

- f. Clearer definition of strategic priorities and direction was requested by some stakeholders.

Composition and Skills

3. A smaller, more strategically-focussed Commission composition was seen as desirable, with strong connections to committees, and an ability to call on additional and specialist resources when required.
 - a. However, it was noted by some that this will put greater pressure on Commissioners to embrace the broad role of planning rather than to represent one interest or perspective only, a high performing team rather than a selection of individually well-qualified but narrowly focussed individuals should be sought, positioning the Commission as a professional leadership body rather than a fully representative group.
 - b. For the Commission to take a leadership role, it is important that it has access to, and takes proper account of the full range of considerations, and be seen across government as objective and informed in its judgements.
 - c. Whilst a smaller composition may be desirable, shared understanding of issues and strong working relationships with agencies is critical, and so needs to be a focus of any new structure and operation. Different views were expressed on the benefit of retaining directors general (or their delegates) on the board with many flagging the conflicts with independence this creates and the challenges in managing the workload for heads of large departments. The counter view expressed by some participants was that ownership of decisions and collective buy in into the futures focus of the Commission can only be achieved with full membership.
4. Board members' skill sets and level of engagement was noted as important in determining their contribution, with the approach and tone set by the Chairperson also identified as critical to facilitating input. The importance of interpersonal skills, critical thinking, communication and engagement were all consistently commented on as necessary. Professional standing, personal qualities and diversity were cited as also important considerations.
5. Commission members have been of high quality, however, the part time nature of the role and low remuneration creates challenges to recruitment. A perceived lack of transparency about the selection process was also

commented on by some. Inadequate planning knowledge was commented on by others as an efficiency challenge.

6. Awareness of regional issues and a 'beyond Perth' perspective was noted by quite a number of participants as an important ingredient. An understanding of cultural issues and the value knowledge of country (beyond statutory heritage sites) can bring to spatial planning was also suggested as important. Diversity of perspective more generally was raised by a number of participants. One participant suggested investigation of options for inclusion of an aboriginal 'Voice' to the Commission (reflective of the proposed 'Voice to Parliament').

Agency Input

7. There was consensus that the Commission's role in leading and coordinating land use outcomes requires a whole of government approach and so the ongoing input of multiple agencies and a collaborative approach through all phases of the planning process. Coordination of land use planning, environmental protection and water management, infrastructure provision and housing supply were commonly identified as areas in ongoing need of focus and synthesis.
 - a. Various input mechanisms exist, with multiple approaches preferable to dependence on one.
 - b. Agency input into decisions affecting their portfolios was recognised as vital and benefiting from active participation in debate at key junctures, with input proportionate to the significance of the decision.
 - c. The preparedness of different agencies to take a holistic view and / or accept the role of planning in balancing conflicting objectives was noted by some as variable.
 - d. In the event that agency CEOs are removed from the Commission, the option for their continued attendance at meetings, and participation in groups reviewing key documents was consistently supported.
 - e. Review of the State Planning Strategy was suggested by some as a desirable joint activity to provide clear guidance on the direction for future growth, development and improvement of the state, and areas of priority. However, it would need whole of government buy in, resourcing and leadership to produce a meaningful document. Different views were expressed as to the priority of this work against other strategic initiatives.

- f. Further development and maintenance of regional, sub-regional and district level plans were more commonly suggested as priority. These were seen as a key mechanism for integrating agency considerations (including but not limited to environmental and infrastructure matters) and streamlining subsequent statutory decisions and delivery. The experience of developing the *Perth and Peel@3.5 Million Sub-Regional Planning Frameworks* was cited by some as both a demonstration of the benefit of a comprehensive approach, and illustration of its practical limitations (with the Government's decision to defer the Strategic Environmental Assessment and decisions to vary the staging expectations noted by some as reducing the benefits of the document).
 - g. Confusion over roles in infrastructure coordination was noted, with a broad external perception that IWA will now lead all activity in this area.
 - h. Experience elsewhere demonstrates the challenges to coherent planning when the work of multiple agencies overlaps excessively, and competing priorities and ideas are not synthesized in a primary plan or process.
- d. Some suggested that consideration be given to:
 - i. extending use of Key Matters Coversheets.
 - ii. releasing confidential reports after the final decision is made.
 - e. Further improvement to the communication of roles, responsibilities and the rationale for decisions was noted as desirable by many (also responding to other planning reform objectives). Several participants noted that this requires both structured communication but also ongoing and informal liaison with stakeholders to build awareness and understanding.
9. Perceptions of conflicts of interest was noted as a growing community concern, particularly in relation to private sector Commissioners, and some suggested this should be considered in the appointment process. Most felt that conflicts of interest were well managed and conservatively interpreted; however, it was suggested that greater clarity on when a conflicted member could remain during discussion of an item would be desirable. A number of participants commented that notwithstanding community concern, the informed input of well-respected private sector participants is important to the successful execution of Commission functions and so should not be excluded. However, a balanced make up is necessary to ensure public confidence.

Transparency and Independence

8. Increasing transparency and legibility were noted as desirable principles.
 - a. However, stakeholders noted that there are limitations to transparency of the WAPC decision process where the Minister for Planning holds the final decision, and where issues being considered are commercially sensitive and/or could lead to land speculation. Some commented that the recent improvements made in this area represent an appropriate balance. Others felt it could be further improved.
 - b. Providing both the opportunity and sense that public submissions are heard, understood and taken into account was considered important, particularly by community and local government representatives.
 - c. The increased involvement of the state in local planning issues and perceptions that local input is disregarded was noted by some as a threat to public confidence in the planning system, reinforced by a lack of public understanding of the planning process and role of the key players.

10. Greater transparency around the selection process for Commissioners was suggested by some.
11. Greater emphasis of the independent advice function of the Commission was seen as desirable by some, but unnecessary by others. Some suggested that the role of the Minister and government in setting high level direction and approving the overarching planning framework should be made clearer to address public confusion over roles and responsibilities.

Resourcing and relationship with DPLH

12. A constructive and mutually respectful working relationship was seen to exist with the Department: Maintenance of this relationship was recognised as vital to an effective system.
 - a. Reporting was considered to be generally of a high quality, though inconsistent. Some noted that greater strategic context would assist in some reports.

- b. The interdependency of the two organisations created confusion for some people. It could be beneficial for the Commission's role in setting direction and leading change (considering government policy and priorities) to be more explicitly demonstrated and articulated.
 - c. The Commission's ability to fund priority projects and set a strategic works program was considered very important.
 - d. Use of regular joint meetings between the Chairperson, Director General and Minister was also considered important to ensure the three arms of the state planning system are on the same page.
13. Greater delegation of more routine and lower impact matters, and greater use of committees to support the Commission was suggested to increase efficiency and support a greater strategic focus.
- a. However, some participants noted the strong relationship between strategic direction and delivery needs to be maintained and that the Commission should not lose sight of its core functions.
 - b. Delegations could be more clearly laid out, which would assist public and stakeholder understanding.
 - c. With the streamlining of the agendas and meeting processes, and some recent increases in delegation, this was not felt to be a high priority by most.
 - d. Several commented the Commission's increased role in development application determination is arguably at odds with the objective for a more strategic focus.
14. Greater clarity on roles and priorities was seen as desirable, acknowledging limitations where necessary, several participants commented that planning cannot resolve everything.
- a. It was noted by some that the responsibilities of the Commission have grown significantly since the establishment of its predecessors, and that resources need to match expectations.
 - b. More structured opportunities to engage on strategic planning and budgeting was seen as desirable by some members.
 - c. Clearer acknowledgement of the Government's role in setting broad policy direction may assist increasing external understanding of roles.

- d. Improved communication may also increase collective understanding of the Commission's direction, priorities and activities, and how these fit with the direction of Government and the work of the Department.

Efficiency and Operation

- 15. Meetings were seen to be well run with access to information and points of clarification both good. The availability of staff at meetings and their capacity to answer questions was noted as a strength. Some external participants commented that deputations can feel rushed and members levels of engagement variable.
- 16. Some participants felt that research scans, monitoring and ongoing reporting need to be strategically and consistently pursued to support the Commission's leadership role and evidence-based decision making, one commented that "*what gets measured gets done*". Another advocated for clear and transparent publication of data on the currency of local planning frameworks, and responsibility for delays to their update.
- 17. Development and maintenance of well resolved strategic plans and policies, and better coordination with agencies was seen by many as the key to improved efficiency.
- 18. Greater representation of the Commission on Committees was suggested as helpful in ensuring informed and aligned decision making and reducing duplication of effort.
- 19. The level of detail regarding the structure and operations of the WAPC and its committees contained in the Act was seen as restricting its agility and capacity to refine its operation to improve efficacy. Application of a more contemporary model was suggested.
- 20. Appointment of a deputy/ies to support the chairperson was suggested by some as desirable to extend the reach of the Commission and mitigate risk (e.g. impact of illness).

Infrastructure Coordination

21. Participants noted that infrastructure is a key consideration in planning, but because the WAPC holds no role in funding infrastructure, there are limitations to its capacity to coordinate delivery. This has led to industry and community dissatisfaction, and sub optimal decision making.
22. The creation of Infrastructure WA, its insight into infrastructure agencies' Strategic Asset Plans and its development of a Strategic Infrastructure Strategy were all considered beneficial to support development of a more coherent system but it was noted this would take time and require the development of systems and processes to integrate with land use planning. In the interim, confusion over roles represents a key risk to an already challenged system.
23. Maintenance of the Urban Development Program, facilitation of conversation and information sharing, identification of gaps and nomination of land development servicing priorities and staging were suggested by some participants as key ongoing roles the Commission should pursue.
24. Review of Development Contribution Frameworks was noted as an existing activity with potential for expansion of this to supplement the developer-lead pre-funding framework in fragmented areas.
25. Improvements to cost benefit assessment of different options to support new development, and nomination of staging and priorities were noted as areas for further improvement.

Whilst direct stakeholder engagement was focussed on discussion, four industry groups provided written submissions:

1. Australian Institute of Architects (WA).
2. Property Council of Australia (WA).
3. Planning Institute of Australia (WA).
4. Urban Development Institute of Australian (WA).

All submissions supported the review and provided specific comments on elements suggested by the Action Plan. All included suggestions on relevant experience and expertise for Commission members (including the relevance of knowledge from their sector) and flagged strategic priorities which they believe the Commission should pursue.

4. KEY THEMES

Key themes from the early engagement related to the need to:

1. Focus on strategy and outcomes over process.
2. Find simple solutions and avoid adding more complexity.
3. Avoid additional red tape and other unintended consequences of change.
4. Maintain a balance between flexibility and certainty.
5. Finding the right mix of standardisation and local responsiveness.

These were translated into the structure and direction of the Action Plan which groups initiatives under:

1. An effective planning system, which contributes to quality of place and community benefit.
2. A comprehensible and logical planning system, which people can understand and navigate with confidence.
3. A consistent, efficient, and streamlined planning system which delivers outcomes in a timely fashion.

Other themes which have emerged relate to:

1. The transparency and accountability of the planning system and processes.
2. The role of different stakeholders in the planning system, including local government.

Themes which emerged through the targeted stakeholder engagement related to:

1. The importance of clarity of role, function, and priorities.
2. The importance of individuals, culture, and relationships.
3. The centrality of objective assessment and negotiation in achieving balanced outcomes.
4. The communication challenge which has arisen around planning as the system has increased in complexity, and directions and individual decisions have attracted greater public interest.

5. CLOSE OUT AND NEXT STEPS

The early engagement processes shaped the direction of the Action Plan, with these and subsequent engagement informing the development of options for changes to the structure and operation of the WAPC. These will be considered by the WAPC and a recommendation made to the Minister for Planning. The Minister will then determine whether to proceed with legislative changes necessary to enact any significant change.

Stakeholders will be kept apprised of progress on the review through:

- Website updates.
- Reform newsletters.
- Direct correspondence.
- Press releases (in relation to the final outcome).

APPENDIX 1

– SUMMARY OF FEEDBACK – GREEN PAPER ON PLANNING REFORM (2019)

▶ Key Reform 4: An efficient planning system

Submission Theme 17: WAPC membership, structure and responsibilities

Green Paper proposals:

- 4.11 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.
- 4.14: 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.
- 4.15 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.

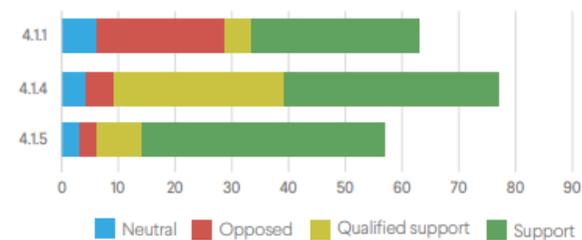


Figure 17.1 Analysis of submissions by proposal.

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:

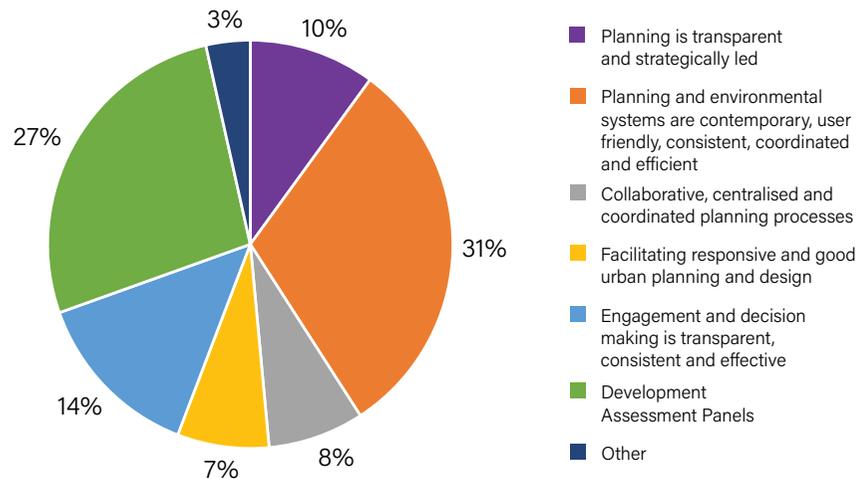
These proposals received broad support from all stakeholders with 88%, 70%, 78% and 82% of support respectively. The WAPC and DPLH will respond separately on these proposals.

APPENDIX 2 – SUMMARY OF FEEDBACK – PHASE 2 OF PLANNING REFORM ENGAGEMENT (2021)

In 2021, submissions were invited on ideas and priorities for the next phase of planning reform. 460 submissions were received from the public (71 per cent), private practitioners (8 per cent), community groups (6 per cent), local governments (5 per cent), developers and landowners (4 per cent) and industry groups (4 per cent).

Submissions from a variety of stakeholder groups (particularly practitioners and industry groups) raised the need for increased focus and resources to be assigned to strategically led planning, particularly by the Western Australian Planning Commission (WAPC). Also, a broad range of suggestions were made regarding strategies, policies and legislation to achieve more effective strategic planning and implementation. Overall, around 10 per cent of comments related to making the planning system more transparent and strategically lead.

The following extracts from the report on this engagement provide feedback directly pertinent to the pursuit of Action Plan initiative C9:



3.1 Planning is Transparent and Strategically Led

Key issues and suggestions:

- *Elevate and confirm the status of the State Planning Strategy 2050, as well as ensuring a clear alignment of state planning policies and their objectives to the Strategy.*
- *Planning Investigation areas should be subject to more rigour in regard to how these areas are planned following their initial identification.*
- *Various suggestions and differing views expressed regarding the planning, managing or facilitating urban growth and/or infill, and providing affordable housing, including the following:*
 - *establishing a Housing Supply Advisory Group,*
 - *enable proponent-led planning solutions, and*
 - *the State Government taking the lead in the provision of affordable housing.*
- *Provide increased consideration to environmental and climate change matters at all levels of strategic planning, and measures to limit urban development/ sprawl.*
- *Various suggestions to improve the consideration of and protection of environmental matters in strategies and policies.*
- *Various legislative changes suggested to facilitate the implementation of strategic planning and policies (e.g. amend planning legislation to require a State Settlement Strategy).*
- *General support for elevating the status of the local planning strategies prepared by local government.*
- *Restructure the WAPC to ensure it has a strategic focus, is more representative of the planning and development profession and facilitates re-establishing the primacy of planning.*
- *Better clarify the purpose of reforms aimed at restructuring the WAPC and ensure that any restructure of the WAPC will not result in less local government representation.*

- *The WAPC should provide vocal support over the importance of meeting infill targets and ensure local governments achieve infill targets through up-to-date planning frameworks.*
- *WAPC meetings and its sub-committees should be more transparent in decision making and accessible, with consistent and publicly available agendas and minutes.*
- *Land and housing supply needs to be accurately monitored by the WAPC to inform and identify implications for policy development.*

3.1.6 The WAPC having a Strategic Focus

Suggestions in submissions, primarily from peak development industry bodies, planning and development professionals and development firms, wanted to see a restructure of the WAPC to:

- i) ensure a strategic focus,*
- ii) ensure it is more representative of the planning and development profession, and*
- iii) facilitate re-establishing the primacy of planning.*

Several local governments were, however, unclear over the purpose of the restructure and were concerned that it will mean less local government representatives.

3.1.8 More Transparency of WAPC and Statutory Planning Committee (SPC)

While a broad spectrum of submitters generally acknowledged there was improved transparency measures for certain items for WAPC meetings, it was recommended that more WAPC items and items of the WAPC sub-committees be made public and that reasons be provided for decisions made. It was also suggested where an item is required to be confidential, that plain English reasons be provided as to why this was required and/or that the decision be released at some point in the future.