



Department of **Planning,  
Lands and Heritage**



# Action Plan for Planning Reform

C9 Review of the

Western Australian Planning Commission

# Summary

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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Published by the  
Department of Planning, Lands and Heritage  
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Published May 2023

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The Western Australian Planning Commission — often referred to as the ‘WAPC’ or ‘Commission’ — is a statutory authority created under the *Planning and Development Act 2005* with broad responsibility for integrated land use planning across the state.

The Commission is governed by a board which provides guidance and advice to the Minister for Planning on a range of integrated land use planning matters. It also develops planning policies, strategies and plans for the future, and works with the Department of Planning, Lands and Heritage (DPLH), other government agencies and local governments to ensure subdivision, land use, new development and related activity align with applicable planning frameworks. Whilst best known for its regulatory functions, the Commission’s role is much broader.

## Why has the WAPC been reviewed?

The *Action Plan for Planning Reform* (Action Plan) is the State Government’s roadmap to delivering better planning and better places for all Western Australians.

Its recommendations are grouped under three goals:

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

To create a more consistent and efficient planning system, the Action Plan recommends a review of the WAPC to make it more efficient and increase its focus on strategic planning. The review stems from an earlier Green Paper on planning reform which indicated that the Commission needs update to enable it to better deliver its wide range of duties and support the development of a more strategically-lead planning system. The review also allows recent events such as the establishment of Infrastructure WA and machinery-of-government departmental changes to be factored in, and a more contemporary model of operation to be established.

## What exactly does the WAPC do?

The functions of the Commission are outlined in the *Planning and Development Act 2005*. They include:

1. Advising the Planning 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. Preparing and maintaining:
  - a. a state planning strategy
  - b. planning policies
  - c. State Planning Policies (for approval by the Governor).
3. Planning for the coordinated provision of transport and infrastructure for land development.
4. Undertaking research, developing methods and models and providing advice and assistance on planning matters, particularly to local government.
5. Preparing, maintaining and administering:
  - a. region schemes
  - b. improvement plans
  - c. improvement schemes.
6. Acquiring, developing, maintaining and/or managing 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 (for example, development on regional reserves).

The Commission also has temporary authority to determine 'Significant Development' Applications under Part 17 of the Act, a role which is set to continue under parallel reforms.

The Commission has capacity to establish committees, and to delegate relevant functions to these committees, to local governments or to authorised individuals (such as senior Department of Planning, Lands & Heritage staff). It does not employ any staff directly but instead works closely with the Department to deliver planning services. Therefore, in practice, many of the day-to-day functions of the Commission are carried out by others acting on its behalf, within the parameters of the policies it and the Government have set. In delegating any powers, the Commission puts restrictions around these to ensure that significant decisions continue to be referred to it, or an appropriately qualified committee.

The Minister for Planning maintains overall responsibility for planning, including being responsible for the approval of planning schemes, improvement plans and schemes and – effectively – state planning policies and strategies. However, this is done with the advice of the Commission as an independent specialist body.

### **Who is on the WAPC and how do they get appointed?**

The *Planning and Development Act 2005* states that the Commission is to be made up of:

- a Chairperson
- the option of a Deputy Chairperson
- six regular members with expertise in specified fields (including two from local government - one metropolitan and one regional)
- the Chief Executive Officers (now called 'Directors-General') of each of the government agencies associated with planning, water resources, transport, environment, government agreements and housing.
- a person nominated by the Regional Development Minister.

Other than the CEOs and the nominee of the Regional Development Minister, all other members are appointed by the Governor on the advice of the Planning Minister. The local government representatives are drawn from a shortlist proposed by the Western Australian Local Government Association ('WALGA').

Calls for nominations are issued periodically such as when the terms of existing members are due to expire. Non-local government members can also be sought through means such as the State Government's 'OnBoard' register.

## **WHAT DID THE REVIEW CONSIDER?**

The Action Plan was formulated following public consultation on the earlier Green Paper, taking into account comments received. It recommends that the review of Commission to achieve the reform outcome be led by the Chairperson of the WAPC and consider options including:

- an independent WAPC board comprising 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 arrangement for the WAPC in leading key land use planning and infrastructure coordination 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.

The scope included reviewing the structure, make-up, and membership of the Commission and its operations, including opportunities for streamlining and additional delegation. The review included assessing any necessary amendments to the *Planning and Development Act 2005* required to give effect to any changes. A full review of the WAPC's functions, and changes to non-planning legislation was not in the scope of this reform action.

## HOW WAS THE REVIEW UNDERTAKEN?

The review process included background research into current arrangements, issues, past consultations and alternative models (including those employed by other agencies and states), and interviews with key stakeholders with direct knowledge of the Commission's role and operations. These included current and past members of the Commission and its committees, agency and departmental staff, planning practitioners, eastern states counterparts and engagement with industry peak bodies such as the Planning Institute of Australia (WA Division), Western Australian Local Government Association, Australian Institute of Architects, Urban Development Institute of Australia (UDIA) and Property Council of WA. Options and recommendations were workshopped with Commission members and the members of its Executive Finance and Property Committee and Statutory Planning Committee with a preferred approach and recommendations submitted to the Minister in late 2022.

## WHAT ARE THE REVIEW RECOMMENDATIONS?

The review makes a series of recommendations for structural change and operational improvements aimed at achieving a more efficient and strategically-focussed Commission. They can be read in full in the Review Paper but include:

1. Confirming the Commission as an independent planning advisor and decision-maker, clarifying its purpose and the extent of the Minister's capacity to instruct it.
2. Reducing membership of the Commission to a Chairperson and 6-8 members with diverse skills and expertise relevant to integrated land use planning, including:
  - a. at least the Chair and one other member having a recognised planning qualification,
  - b. at least one member having significant knowledge of and experience in local government and
  - c. at least one member having significant experience in the regions.

3. Documenting and publishing membership selection criteria and the appointment process, including open call for nominations and use of independent panel member/s to establish the shortlist submitted to the Minister.
4. Amending the membership of agency directors general to non-voting participants, and including Infrastructure WA in this standing group of invitees. Also focusing on improving other mechanisms to engage with other government agencies and departments.
5. Refreshing the strategic planning and reporting program, and more formally documenting the strategic documents register and procedures around policy development and review.
6. Updating the Terms of Reference of committees and increasing Commission representation on those with delegation to make decisions on the Commission's behalf whilst exploring greater flexibility to establish short term project committees to explore key issues in a timely fashion.
7. Regularly reviewing delegations to ensure they are fit for purpose.
8. Redefining and communicating the Commission's role in coordinating infrastructure necessary to achieve integrated land use planning outcomes and continuing to work collaboratively with IWA and partner agencies and groups to improve current processes.

## HOW DOES THIS RELATE TO DEVELOPMENT ASSESSMENT PANELS AND OTHER PLANNING REFORMS?

The Development Assessment Panels (DAPs) have been separately established and operate independent of the WAPC. They are made up of specialist members and local government representatives. DAPs, like local governments, must consider the planning framework (including State Planning Policies) overseen by the WAPC when they determine development applications. However, the WAPC does not direct or have any involvement in the day-to-day operation of — or decisions by — the DAPs.

A review of the DAPs to establish more consistent and transparent processes is a specific recommendation of the Action Plan (C8), and is being pursued as a separate project as part of the broader reform agenda.

Temporary powers created for the WAPC to determine significant development applications to support economic recovery from the COVID-19 pandemic are set to conclude at the end of 2023. Creation of a permanent pathway for significant development is now being pursued under a separate reform. Further information can be found in the planning reform section of our [website](#).

## WHAT HAPPENS NEXT?

A number of the recommendations will require legislative changes to the *Planning and Development Act 2005*: drafting instructions for these will be prepared (in conjunction with other reforms requiring legislative amendments) and a Bill will be prepared for introduction to Parliament. Operational changes which do not depend on legislative changes will be progressively delivered through a staged program. A number of 'quick wins' including increased transparency of Commission reports and improved governance processes have already been introduced. You can stay up to date on major reform initiatives by signing up for planning reform updates (see bottom of page here).

If you have any queries regarding this or other reform initiatives, please email [planningreform@dph.wa.gov.au](mailto:planningreform@dph.wa.gov.au).