



Department of
Planning

Planning makes it happen: phase two

Planning Reform Discussion Paper

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Minister's message



Hon John Day, MLA
Minister for Planning

In the past decade Western Australia has been shaped by strong population and economic growth. The Government is committed to ensuring that this growth is supported by a planning system that continues to improve in its efficiency, effectiveness and responsiveness to the State's needs.

In September 2009, I launched *Planning Makes It Happen* – a blueprint for planning reform which set out the most comprehensive reform agenda for the Western Australian planning system since the establishment of the Metropolitan Region Scheme in 1963. The progressive implementation of these reform initiatives since 2009 has equipped the Government to better manage growth and ensure continuity of land supply, as well as implement essential urban infill targets.

The first phase of planning reform delivered the following key outcomes:

- a draft *State Planning Strategy*
- the *Directions 2031 and Beyond Strategy*
- an *Economic and Employment Lands Strategy*
- the *Multi-unit Housing Code*
- Development Assessment Panels
- a review of key WAPC policies
- delivery of the Urban Development Program Online
- Structure Plan Guidelines
- Model Subdivision Conditions
- the Section 76 process.

In pre-consultation workshops held with planning stakeholders to help define the scope of this Discussion Paper, three common objectives emerged – consistency, timeliness and responsiveness. This second phase of planning reform aims to address these key objectives, and continue the work of Phase One reforms to ensure a responsive and accountable land use planning system in Western Australia.

Government cannot reform the planning system alone – we need local government, the planning industry and the community to come along with us. With this in mind, I welcome your comments and views on the initiatives for planning reform outlined in this Discussion Paper, and look forward to creating an ever better planning system for Western Australia, together.

A handwritten signature in black ink that reads "John Day." The signature is written in a cursive, flowing style.



contents link
to section

1 Introduction



2 Reform context



3 Statutory planning reform initiatives
– we want to hear from you



4 Governance and
administrative reform



5 Consultation
and next steps



6 Appendix



1.0

Introduction

The State Government launched its comprehensive reform program *Planning Makes it Happen: a blueprint for planning reform* in September 2009. Now substantially implemented, these first phase reform initiatives continue to improve the planning system in Western Australia.

This Discussion Paper, 'Phase Two Reform', has been initiated to identify further opportunities for improvements to the Western Australian planning system. For Phase Two Reform the primary focus is on statutory decision making processes and land use planning and supply. Other governance and administrative reforms have also been put forward for consideration.

The key aims of Phase Two Reform are to:

- embed best practice in the Western Australian planning system at both the State and local government level;
- ensure further streamlining of planning processes, aligning statutory outcomes with strategic frameworks;
- enable more integrated land use and infrastructure planning and support the timely release of development land in accordance with State Government policy objectives; and
- reinforce the State and regional strategic focus of the Western Australian Planning Commission, supported by the Department of Planning.



2.0

Reform context

2.1.

Phase One reforms

Planning makes it happen – a blueprint for planning reform was launched in September 2009. Implementation of this suite of reforms included amendments to the *Planning and Development Act 2005*, undertaken in 2010, as well as the delivery of several other non-legislative reforms.

In February 2013, the Government released a *Report card for planning reform* to report on the achievements against *Planning makes it happen*, which identified that the Phase One initiatives have largely been implemented. The key Phase One achievements are outlined in the following table.

There is still work occurring to complete some of the Phase One initiatives, as identified in the Report Card. The Government has targeted a number of priority projects to be completed in relation to Phase One reforms, including the completion of the Model Scheme Text review, the Developer Contributions Policy review and the Strategic Environmental Assessment (led by the Department of Premier and Cabinet).



PHASE ONE REFORM INITIATIVES ACHIEVED

Robust planning framework	Established a robust strategic planning framework, including: <ul style="list-style-type: none">• <i>Draft State Planning Strategy</i>• <i>Directions 2031 and Beyond</i>• <i>Economic and Employment Lands Strategy – non-heavy industrial for Perth and Peel</i>• <i>Capital City Planning Framework</i>.
Development Assessment Panels	Established Development Assessment Panels (DAPs) to include professionals in the determination of applications for substantial developments.
Improvement plans	Extended the use of existing strategic instruments such as improvement plans and planning control areas to strengthen state and regional planning throughout the State.
Implementation of State planning policies	Provided a mechanism in the Planning Act for local planning schemes to be updated to implement State Planning Policies.
Scheme amendments	Section 76 of the Planning Act amended to clarify that the Minister is able to give an order to local government to prepare or adopt an amendment to a local planning scheme.
Multi Unit Housing Code	New R-Codes produced to encourage a range of housing types and greater housing choice by removing disincentives to multiple unit developments and promoting a range of dwelling sizes within such developments.
Residential Design Codes	Comprehensive review of R-Codes completed and revised R-Codes gazetted, including changes to ancillary housing provisions (granny flats), reducing requirements for planning approval for single houses, and amendments and improvements to specific design requirements.
Structure Plan Preparation Guidelines	Structure Plan Preparation Guidelines produced to provide clear and consistent guidance in the preparation and assessment of structure plans.
Model Subdivision Conditions	Revised standard conditions produced to support the efficient, timely and consistent determination of subdivision, survey strata and strata applications.
Restructure of WAPC committees	Restructure and rationalisation of WAPC committees undertaken and new regional planning committees established.



ON-GOING PHASE ONE PRIORITY PROJECTS

State Planning Policy 3.6: Development Contributions for Infrastructure

Review of policy in progress, to clarify the range of infrastructure to be covered by the policy and establish guidelines for more effective implementation.

Model Scheme Text and Regulations review

Preparation of new model text provisions and associated Regulations in progress, to guide the preparation of local government planning schemes and amendments.

Integration of Planning and Environmental Approvals
(Strategic Environmental Assessment)

Strategic assessment of the Perth and Peel regions in progress, to minimise delays in the approval process through better integration of the Commonwealth Government's environmental approval requirements and the State's growth plans for Perth and Peel.

Metropolitan Region Scheme Text review

Review of MRS text underway, to provide approach consistent with the more recent Peel and Greater Bunbury Region Schemes.

Local government reporting

Regulations to be drafted requiring local governments to provide data on development applications.

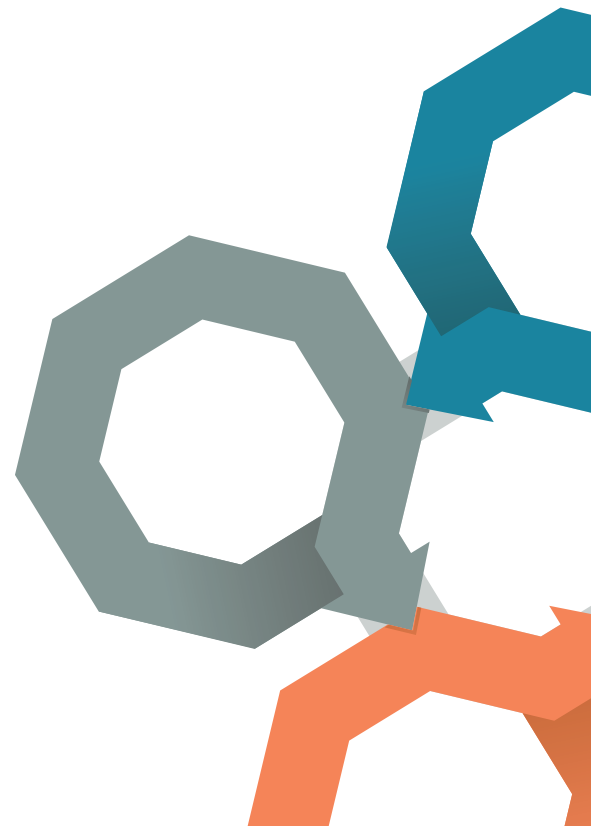
In its 2011 report *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*, the Productivity Commission grouped what it considered to be best practices into seven broad categories:

- early resolution of land use and coordination issues;
- improving development assessment and rezoning criteria and processes;
- disciplines on timeframes;
- transparency and accountability;
- engaging the community early and in proportion to likely impacts;
- broad and simplified development control instruments; and
- rational and transparent allocation rules for infrastructure costs.

In its 2011 report to the Council of Australian Governments (COAG) on the review of capital city strategic planning systems, the COAG Reform Council identified a number of criteria against which they measured the performance of state strategic planning systems, and identified examples of practices that supported such criterion. The criterion include:

- integration;
- hierarchy of plans;
- nationally significant infrastructure;
- nationally significant policy issues;
- capital city networks;
- planning for future growth;
- urban design and architecture;
- frameworks for investment and innovation;
- accountabilities, timelines and performance measures;
- intergovernmental coordination;
- evaluation and review cycles; and
- appropriate consultation and engagement.

In 2012, the New South Wales Department of Planning recently commissioned *A Review of International Best Practice in Planning Law* www.planning.nsw.gov.au. The paper included several initiatives which are already part of the Western Australian planning system such as the Planning Commission, the strategic environmental assessment of growth plans, and transport and land use integration. The key focus areas of the New South Wales paper are integrating strategic and statutory plans, achieving an appropriate balance of State intervention and local government decision making and the need for local and State government cooperation in growth areas and projects of State significance.



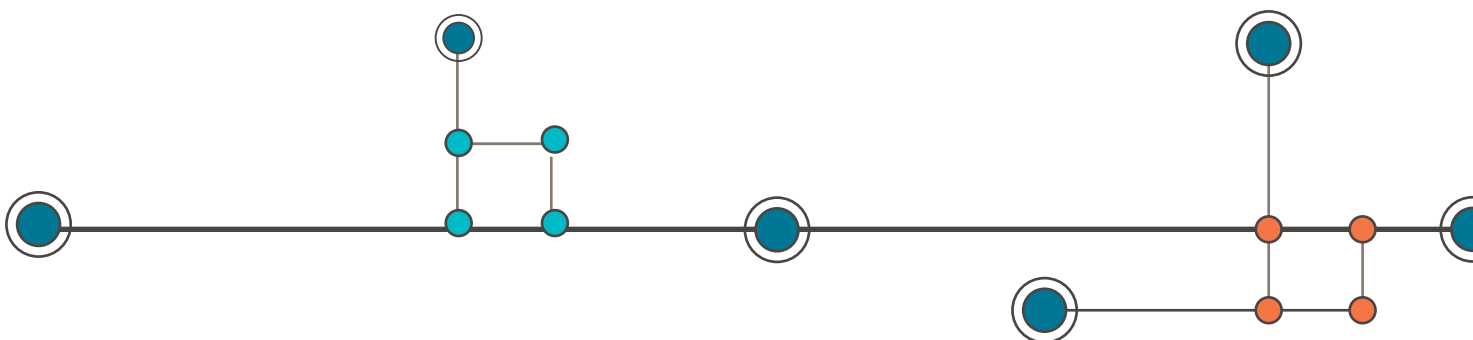


Development Assessment Forum Model

A national body, the Development Assessment Forum (DAF), was formed in 1998 to recommend ways to streamline development assessment and cut red tape. The DAF's membership includes the three spheres of government - the Commonwealth, state/territory and local government; the development industry; and related professional associations. The DAF provides advice and recommendations to all levels of government and to planning ministers.

The DAF aims to promote leading practice in planning systems and development assessment in Australia through:

- the national harmonisation of similar systems and requirements between jurisdictions;
- the adoption of processes that are efficient and cost effective for proponents, governments, industry and the community;
- improved access for stakeholders to information on leading practice methodologies and outcomes; and
- the adoption and implementation of e-planning systems.





DAF has prepared and published (www.daf.gov.au) a leading practice model as a means of promoting efficient, effective and nationally harmonised development assessment systems across Australia. The table below summarises Western Australia's progress against the ten DAF lead practices through planning reform.

DEVELOPMENT ASSESSMENT FORUM LEAD PRACTICE	ADDRESSED IN REFORM	COMMENT
Effective policy development	Stage 2	Role of WAPC being reviewed
Objective rules and tests	Existing	Already part of WA planning system
Built-in improvement mechanisms	Existing	Already part of WA planning system
Track based assessment	Phase Two	Being considered as part of Phase 2 reform
A single point of assessment	Phases One and Two	Implementation of DAPs and minimising planning instruments overlap
Notification	Existing	Already part of WA planning system
Private sector involvement	Stage 2	Being considered as part of the Phase 2 reform
Professional determination for most applications	Phase One	Implementation of DAPs
Applicant appeals	Existing	Already part of WA planning system
Third party appeals (in limited situations)	–	Not currently being considered



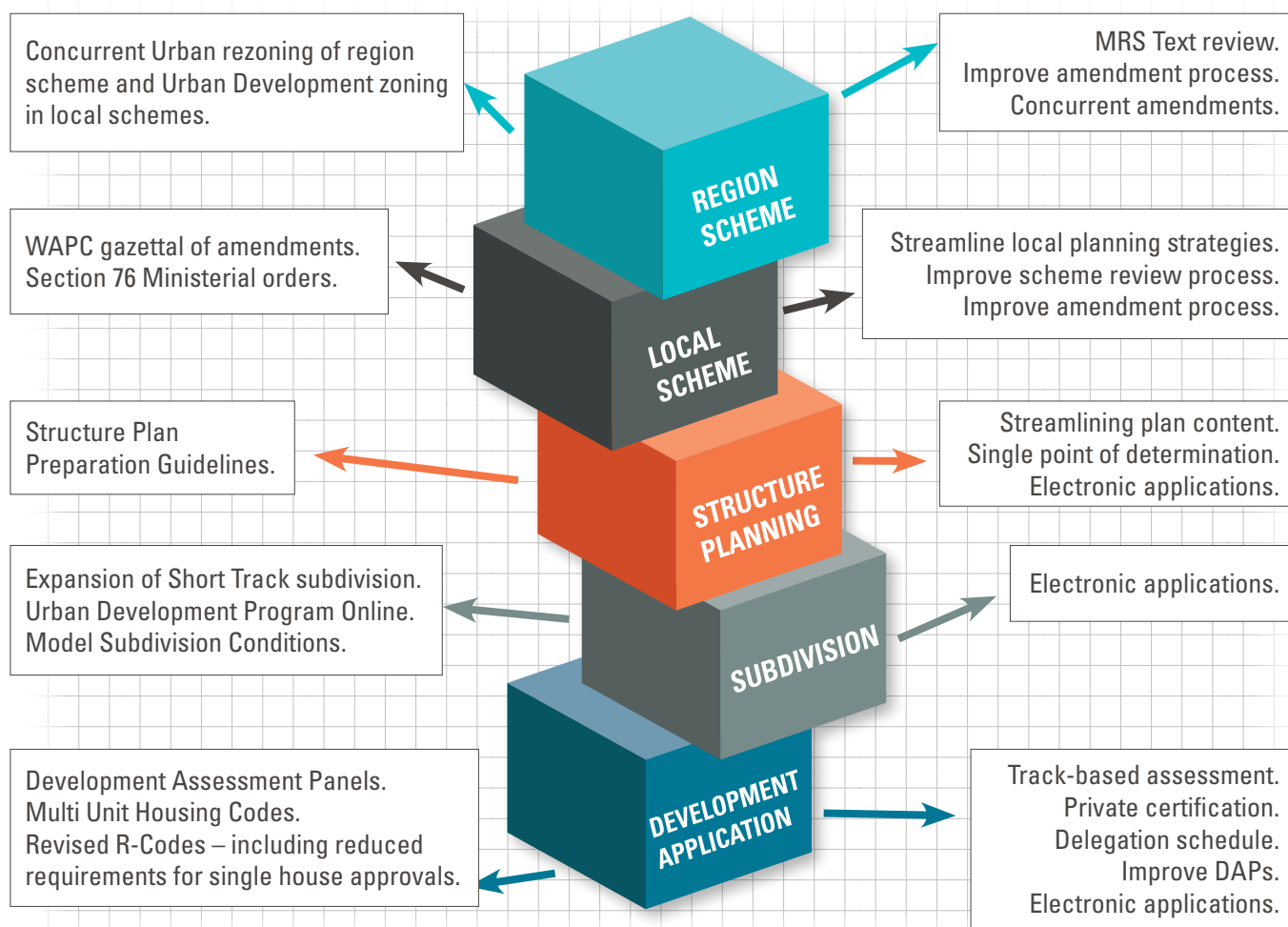
3.0 Statutory planning reform initiatives — **we want to hear from you**

The preparation of this discussion paper has focused on identifying opportunities to improve statutory planning processes, by investigating reform initiatives at each stage of the land development process, from region scheme provisions through to development applications. This includes initiatives to streamline approval processes and to ensure that decision making occurs efficiently and by the most appropriate responsible authority, as well as legislative and procedural improvements to the overall planning system. The opportunities that offer the most significant potential outcomes are outlined in this section as 'statutory planning reform initiatives'. These initiatives are not a final Government agenda and are put forward for stakeholder and public consideration and comment (public submissions should reference the number/heading to which they refer).

Summary of reforms to the statutory planning process

ACHIEVED REFORM PHASE ONE

POTENTIAL REFORM PHASE TWO



3.1

Review of the Metropolitan Region Scheme (MRS)

For the past 50 years, the MRS has met its intended objectives, however a review is required to consolidate ad-hoc amendments and to bring it in line with the more recent Peel Region Scheme (PRS) and the Greater Bunbury Region Schemes (GBRS). The PRS and GBRS are more succinct and include a more streamlined development approval process.

In the MRS, all development requires approval unless specifically exempted by the Western Australian Planning Commission (WAPC). However, in the PRS and GBRS only development that is of a specified class requires approval by the WAPC. It is proposed to amend the MRS so that development will not require approval unless it is of a class expressly specified in the MRS or by a resolution of the WAPC.

In addition to the above, a review is proposed of the WAPC delegations to local government of development approval under the MRS, with the intent of examining appropriate delegations for development on both zoned and reserved land.

Another reform initiative relates to the long term land use zoning functions of the MRS. Currently the MRS includes the Urban Deferred zone to identify land that may be suitable for future urban use and which has been identified through other strategic planning processes. It is proposed to introduce an Industrial Deferred zone to identify potential future industrial land, such as those sites proposed in the WAPC's *Economic and Employment Lands Strategy*.

3.2

Improve amendment process for region planning schemes

The preparation and approval process for region planning scheme amendments is subject to extensive timeframes. The three main areas that have been attributed with causing delays are the process of 'major amendment' versus 'minor amendment', the environmental assessment process, and the public advertising process.

The procedure for making a region scheme amendment is prescribed in Division 3 of the *Planning and Development Act 2005* and involves a lengthy series of 15 steps, however an alternative shorter process is set out in Division 4 of the Act for amendments that, in the opinion of the WAPC, do not constitute a substantial alteration to a region planning scheme. The effect of such a resolution is that the simplified procedure in Division 4 applies to making what is considered a 'minor' amendment.

It is proposed to restructure the provisions setting out the procedures for amending region planning schemes to effectively reverse the default position. That is, all amendments must follow the truncated process set out in Division 4 unless, in the opinion of the WAPC, the amendment constitutes a 'substantial alteration' to a region planning scheme and is of a class that makes it necessary or desirable to subject it to the longer process in Division 3.

Another area of reform may be the process for referral of proposed amendments to the Environmental Protection Authority (EPA), such that certain amendments with no relevant environmental considerations are not required to be referred to the EPA. These types of exempt amendments would need to be formally agreed to by the EPA and perhaps established in Regulations. Other initiatives may be that the EPA agree to fast track these amendments (rather than exempt them), or that referral is done concurrently with public advertising.

To further increase the efficiency of the amendment process, the reduction of public advertising periods could also be considered. Division 3 amendments could be reduced from 90 days to 60 days and Division 4 amendments could be reduced from 60 days to 42 days. Consideration of reducing these timeframes is appropriate if supported by allowing electronic lodgement of public submissions.

3.3

Sub-regional structure plans to amend region planning schemes

A sub-regional structure plan is a statutory plan covering a large sub-section of a Western Australian planning region, for example three sub-regional structure plans are being prepared for the Perth metropolitan region, to provide the detailed delivery of *Directions 2031 and Beyond*.

Given the lengthy process, planning rigour, environmental evaluation and public consultation that goes into preparing a sub-regional structure plan, it could be argued that it is not necessary to then go through a lengthy and duplicated process to subsequently amend the region scheme to reflect the zonings of the approved structure plan.

It is proposed that consideration be given to the feasibility of introducing amendments to the *Planning and Development Act 2005* to enable an automatic or concurrent amendment to a region planning scheme to reflect the relevant zonings and reservations of a sub-regional structure plan once the structure plan is given final approval by the WAPC and/or the Minister for Planning.

However, it should be noted that this process may only be suitable in certain situations, as some sub-regional structure plans may not go to the level of detail of clearly defining the boundaries of road reserves or lot boundaries for certain zones.



3.4

Concurrent amendment of region planning schemes and local planning schemes

Zoning and land use changes often require an amendment to the region planning scheme, followed by a corresponding amendment to the local government planning scheme, which results in a lengthy process and 'double handling'.

The *Planning and Development Act 2005* provides that where the region planning scheme is amended to reserve land for a public purpose, the local government scheme is automatically amended. The Phase One reforms extended the concurrent amendment process to include when land in a region planning scheme is rezoned to Urban, it can be rezoned to Urban Development in the local planning scheme.

In all other cases, where the region planning scheme is amended with respect to the zoning of land, the local government is required to initiate a corresponding amendment to the local scheme no later than three months after the region scheme amendment takes effect.

Consideration is being given to further extend provisions to allow concurrent amendments for all classes of amendment to region planning schemes. For example, the region scheme and local scheme could be concurrently rezoned for Industrial purposes, with the region scheme amendment identifying the specific zoning that would apply under the local planning scheme (e.g. General Industrial, Light Industry).

3.5

Improve local planning scheme review process

The preparation and review of local planning schemes is a lengthy and expensive process. Under the current requirements of the *Planning and Development Act 2005*, every local government is required to review their local planning scheme every five years, however in practice schemes are often long overdue for review before the review formally commences. In addition to this, local governments often need to prepare a range of increasingly detailed local planning strategies for a range of land use matters.

A number of improvements to the local planning scheme preparation process are being introduced in the new Model Scheme Text which is currently being prepared by a Department of Planning led working group. Some of the key reforms and changes being considered as part of this process include:

- regulations providing a set of standard provisions that will apply automatically to all local government schemes, including standard processes for development applications, structure plans and development contribution plans;
- reviewing what proposals may be exempt from requiring planning approval, such as removing the need for compliant single houses to obtain planning approval;
- improving administrative provisions, definitions, language and the general user friendliness of schemes; and
- regulations clearly setting out the steps required in the scheme preparation and scheme amendment process, including steps and timeframes to be undertaken by the Department of Planning/WAPC.

In addition to the current Model Scheme Text project, two other substantial reform initiatives are put forward for consideration:

- streamlining the number and content of local strategies required as part of a scheme review; and
- requiring major local planning schemes reviews every 10 years, with minor reviews occurring every five years or less.

As part of this discussion paper comment is welcomed on further opportunities for improving the scheme review process and the content of local planning schemes. It is noted that the implementation of metropolitan local government reform will also assist in the reform and reduction of the number of local planning schemes.

3.6

Improve local planning scheme amendment process

Proposals by local governments or land owners to amend local planning schemes, including land rezonings, can often take a year or more to go through the statutory process and reach conclusion. There are a range of factors leading to long timeframes including the requirement for all amendment proposals to go through the EPA, consultation processes, and reporting processes.

Currently, all proposed scheme amendments must first be considered by the EPA before public advertising. It has been identified however, that a substantial proportion of local planning scheme amendments do not present any significant environmental impacts, especially in established urban areas, and when referred to the EPA, do not require assessment. Examples include rezoning residential land from one R-code density to a higher density or minor changes and additions to scheme text.

Similar to what is proposed under region scheme environmental assessment processes, it is proposed to consider modifying the process for referral of proposed amendments to the EPA, such that certain amendments with no relevant environmental considerations are not required to be referred to the EPA. These types of exempt amendments would need to be formally agreed to by the EPA and perhaps established in Regulations. Other possibilities may be that the EPA agree to fast-track these amendments (rather than exempt them), or that referral is carried out concurrently with public advertising.

Another significant opportunity for streamlining the local scheme amendment process is the possibility of introducing a 'minor local scheme amendment' which sets out a shorter amendment process which would be applicable in certain situations.

There is already the option of a 'minor amendment' to region schemes which provides for a shorter, less complicated process. However, unlike the reform proposed in 3.2 where the majority of region scheme amendments would take the shorter process, a minor local scheme amendment process is only proposed for occasional use, such as for correcting minor oversights.

Situations such as minor extensions or realignments of boundaries for zones and reserves, or minor changes to administrative text or corrections of minor errors, which may have been inadvertently overlooked in an amendment process, may be able to be addressed through a minor scheme amendment process.



3.7

Streamline structure plan process

The structure planning process was identified as an area in need of reform in Planning Reform Phase 1. Both the preparation process and plan content varied considerably between local governments and the detailed and varying nature of contents resulted in long timeframes for approval by local governments and the WAPC. An effective outcome of the Phase One reforms was the *Structure Plan Preparation Guidelines*, released in August 2012, to provide clear and consistent guidance in the preparation and assessment of structure plans.

There is however, still opportunity for further reform of structure plan preparation and approval processes. A recent review of local planning schemes has found inconsistent clauses relating to structure planning processes. There is also duplication and overlap in work undertaken by local governments and the Department of Planning. Content of plans could also be further improved, with a trend emerging for structure plans to cover matters that would be more appropriately dealt with through scheme amendments and development contribution plans. As a part of the Model Scheme Text review, model local scheme provisions will be drafted to guide the preparation of structure plans.

It is also proposed that the Model Scheme Text provisions include the WAPC as the single point of determination for all structure plans. This will eliminate the need for dual approvals from the WAPC and local government and the resultant inconsistent determinations and conditions, as well as separate appeals to the State Administrative Tribunal. Local government would still be involved in the structure plan preparation and assessment process, however would refer the determination to the WAPC.

3.8

Develop a track-based (risk assessment) development assessment model

Building upon a proposal first suggested in Phase One's *Building a Better Planning System*, and current best practice in other jurisdictions, the potential for development assessment based on the Development Assessment Forum 'track-based' assessment model is being considered for the Western Australian planning system.

This model is a risk-based approach where the assessment process is linked to the level of complexity, scale and likely impact of the proposed development. A risk-based approach to development assessment streamlines low risk development applications, reducing the time taken for approval, while concentrating planning resources on more complex and higher impact proposals.

This approach is consistent with the Productivity Commission's recommendation to stream development applications into assessment 'tracks' that correspond with the level of assessment required to make an appropriately informed decision.

The DAF model sets out six different tracks ranging from exempt up to impact assessment (as shown overleaf). The DAF model does not dictate what types of applications should go into each track, leaving the planning authority to determine what types of proposal should be exempt or self-assessable and what requires development approval.

It may not be necessary to apply the exact DAF model to the Western Australian planning system and it could be modified to suit Western Australia's needs. The system could be established through a model schedule and adopted through local planning schemes, or set out in other WAPC guiding documents. The WAPC could establish the number and types of tracks to be used in the Western Australian system, set out the process of assessment for each track and provide a model schedule of types of development suited to each track. Then there may be opportunity for local government variance on which types of development are allocated to each track in their local planning system, to suit the specific needs of the area and the expectations of the local community.



An example of the Track Based System (DAF model)

TRACKS		
EXEMPT		PROHIBITED
<p>Development that has low impact beyond the site and raises no policy implications and therefore does not require an application or assessment.</p> <p>It may need to meet criteria specified in the statutory plan.</p> <p>No consent is required.</p>		<p>Development that can not proceed because of specific restrictions in the statutory plan.</p> <p>No consent can be given.</p>
Proponent tests against regulatory requirements		Proponent tests against regulatory requirements
<p>No application needed</p> <p>No assessment needed</p> <p>No consent needed</p>		<p>No application needed</p> <p>No assessment needed</p> <p>No consent can be given</p>
Proposal can proceed provided it continues to comply with requirements		Proposal cannot proceed

SELF ASSESS	CODE ASSESS	MERIT ASSESS	IMPACT ASSESS	
Development that can be assessed against a standard quantitative criteria without the need for professional assistance and can always proceed if the criteria are met. A standard consent will issue.	Development that can be assessed against standard criteria and can always proceed if the criteria are met. The criteria may be complex or performance-based and may require professional advice to demonstrate compliance. Expert assessment will be required. A standard consent will issue.	Development that may have off-site impact and policy implications. It is likely to be measured against performance criteria and policy objectives therefore requires professional assessment. Assessment may benefit from notice and comment from other parties. A conditional consent will issue.	Development that may have a significant impact on the social, environmental or economic attributes of a locality. Assessment requires the submission of an impact evaluation in a prescribed manner. A technically competent reviewer assesses the submitted impact assessment. A conditional consent will issue.	
Proponent prepares application in accordance with preset criteria including assessment against criteria	Proponent prepares application in accordance with code requirements	Proponent prepares application in accordance with relevant policy and statutory plan requirements	Proponent prepares application in accordance with relevant policy and statutory plan requirements	
Consent authority or certifier checks assessment	Application assessed by consent authority or certifier against code requirements	Public notice may be needed	Proponent prepares impact assessment in prescribed manner	
If OK consent authority or certifier issues standard consent	If OK consent authority or certifier issues standard consent	Application assessed by consent authority	Public notice	
		If OK consent authority issues conditional consent	Application and impact assessment assessed by expert reviewer and/or consent authority	
			If OK consent authority issues conditional consent	

3.9

Private certification of development applications

As part of Phase Two Reform and the objective of continued improvement towards best practice, it is appropriate to investigate the possibilities for private sector involvement in the development assessment process.

Private planning practitioners are already heavily involved in the preparation of development applications in Western Australia. Further to this, there is the potential for private sector assessment and approval of development applications. There would however, need to be a clear demonstration of need and articulation of benefits in the public interest for this change to occur, including consideration of costs to applicants, processing timeframes and maintaining quality design outcomes.

Comment is sought on whether a private sector assessment and/or approval system would be of benefit to the Western Australian planning system.

There is a range of models of private certification systems. In New South Wales for example, private certifiers are accredited professionals who can issue development certificates. They effectively replace the role of local government in issuing development approvals for certain types of compliant development, and can be accredited to issue construction certificates certifying proposals comply with the Building Code of Australia. The private certifier can issue a Complying Development Certificate for developments that fall with the Complying Development track/definition, such as single dwellings or additions to dwellings. The approval is usually subject to standard conditions.

Brisbane City Council has a fast-track process for certain types of development that comply with their City Plan utilising a process known as RiskSmart. Applications can be prepared and assessed by a council accredited private consultant, they then lodge the application online to Brisbane Council for the planning staff to issue the development approval. The council is required to process the application within five days. One benefit of the Brisbane system is that there is only one local government with one City Plan for the whole metropolitan region. It may be more complicated to become accredited in Western Australia where different local planning schemes and local planning requirements exist for each local government.

In Western Australia, a private certification system for building code compliance was introduced in 2012. Private certifiers are registered with the Building Commission and can issue certificates that plans (and construction) comply with the Building Code of Australia. However, the local government is still responsible for issuing the Building Permit. There has been some demand for private certification of planning applications to be linked to this system, for example the private certifier assesses compliance with the R-Codes prior to assessing compliance with the Building Code.

Private sector assessment and/or approval of development applications could also potentially work with the 'track-based assessment' model (discussed in 3.8), where private planning practitioners could be accredited to assess and/or approve developments of a certain track, such as self-assess and codes assess. Approval powers may be limited to compliant development, or could potentially extend to performance based assessment.

3.10

Standardise delegations of local government development decisions

The delegation of planning decisions from local government councils to local government planning staff varies considerably between Western Australian local governments. The delegation of decision making powers comes from council through the Local Government Act, generally in the form of a delegation schedule which sets out what types of development applications the council will determine and what applications planning staff or the Chief Executive Officer may determine.

Often, in larger, busier local governments planning staff have a higher level of delegation than in smaller local government areas. For example, some planning staff may only approve applications that are compliant with scheme or R-Codes requirements, while others may determine applications up to a considerable size or value, if not a Development Assessment Panel (DAP) application.

It is generally considered appropriate that qualified technical officers are given a level of delegation to determine standard applications, including those proposing minor variations to planning requirements, where there is appropriate oversight in place (i.e. manager or director review and approval). Larger scale development applications are more appropriately determined by DAPs, which include local councillors and objective professionals. Council is therefore generally left to focus on the strategic direction of the local government and overseeing the planning framework on which applications are determined (i.e. setting the policy direction and being involved in local planning strategies and schemes).

It is proposed that a Model Delegation Schedule be prepared, setting out the types of development applications and planning decisions that are appropriate to be determined by planning staff, and what may be more appropriate for council to determine. The aim of this would be to establish best practice, reduce timeframes for development approvals, and improve certainty and consistency in planning decisions.

3.11

Electronic application system

The Department of Planning is developing a single interactive online portal for the lodgement and processing of all applications determined by the WAPC including subdivision, structure plan and development applications. This system will include internal and external interfaces to allow applications to be lodged and tracked by the public and for the WAPC to refer applications to stakeholder agencies and local government for comment.

The establishment of the system will allow quicker processing of applications, which will result in savings on developer's land holding costs (which in turn affect land prices). For example, the deployment of the first stage of the e-lodgement portal in 2012 allowed Form 1C applications (subdivision clearance) to be lodged and approved electronically, which has reduced processing time frames from an average of 13.8 days to 1.3 days and saved developers significant amounts in holding costs.

A full electronic processing and approval system will also improve transparency and accountability and allow for the regular publishing of processing and approval statistics.

3.12

Refining the role of Development Assessment Panels

Development Assessment Panels (DAPs) commenced operation in Western Australia in July 2011 as part of the Government's commitment to improving the planning approvals process in Western Australia. The DAPs system provides more transparency, consistency and certainty in decision making on complex development applications.

The introduction of DAPs was based on the key principles of the Development Assessment Forum's Leading Practice Model. The involvement of independent experts in DAPs, in addition to local government councillors, strikes an appropriate balance between local representation and professional advice in decision making and ensuring that decisions made by the panel are based on the planning merits of an application.

A review of the operation of DAPs has been undertaken and the following refinement and improvements are put forward for consideration (for the full review report see www.planning.wa.gov.au/planning-reform)

Optional and mandatory thresholds

The DAPs Review confirms that the current optional and mandatory thresholds are generally appropriate and are effective in covering significant applications that should be determined by DAPs, while also providing an opt-in option. Some stakeholders have argued that the thresholds should be modified and there should be a wider opt-in range. Comment is sought on the appropriateness of the current thresholds and any need for modifications.

It may also be beneficial to link DAP thresholds/triggers with council delegations (see also 3.11), where the applicant opt-in values are widened if certain application types are delegated from council to planning staff and hence may be determined more quickly by the local government than the DAP.

Include lower value regionally significant applications

The DAPs Review has identified that there may be significant applications that should be determined by a DAP that do not meet the thresholds as they are lower value proposals. Applications that are of regional significance may be more appropriately dealt with by a DAP than a local government council.

An example of this is basic raw materials (BRM) extraction (e.g. limestone, sand, rock). Given the finite and site specific location of BRM the decisions of a local government can seriously impact the potential supplies of BRM for Perth or other regions. However, the low cost of BRM means only a capital intensive hard rock quarry application would meet the current DAPs thresholds.

It is proposed that applicants for BRM proposals or other regionally significant proposals (which could either be at the applicant's discretion or defined in the DAPs Regulations) may choose to opt-in to the DAPs process if the development application does not meet the minimum threshold value.

Currently local governments may choose to refer applications to DAPs within the opt-in values. It may also be appropriate to introduce a mechanism for local governments to choose to refer applications that they consider of regional importance (whatever the development value) to be determined by a DAP - this may be particularly beneficial for non-metropolitan local governments.

Exclusions

The DAPs review has also identified that some types of applications may not be of a level of significance that requires determination by a DAP, for example small scale developments that are permitted uses in the relevant zone and compliant with the requisite planning standards. These could be added to the 'exclusions' list in the DAPs Regulations.

Development applications for storage and warehouses, where a permitted use in accordance with the scheme on industrial land zoned, are not generally considered to be of a significant nature to require consideration by DAPs. It may be appropriate that storage and warehouses be added to the excluded development applications, subject to the development site being land zoned industrial, where it is a permitted use and meets provisions of the scheme.

Comment is sought on any other land use or development types that are clearly not significant enough to warrant DAP determination and should be included on the exclusions list.

Configuration of panels

To ensure the efficient arrangement of panel meetings and effective chairing, the number and grouping of local governments within the panels was reviewed as part of the DAPs Review. There is currently one local DAP (LDAP) for the City of Perth, five joint metropolitan panels and nine joint regional panels.

For the Perth metropolitan region it is proposed to create a new Central-West Joint DAP (JDAP) by combining Metropolitan Central and Metropolitan West JDAPs. There is also an option to merge the City of Perth DAP with the Central-West JDAP (although retaining the higher value thresholds for City of Perth).

For the regional DAPs it is proposed that the nine regional panels be amalgamated into two or three panels, broadly covering the northern, central and southern regional areas. The City of Mandurah and Shire of Murray would also be moved from the regional DAPs to the Metropolitan South-West JDAP.

See Appendix for the proposed grouping options.

Administration

DAP applications

Some local governments have requested that the DAPs Regulations should clarify the information required to be submitted as part of a DAPs application, and what constitutes a 'complete application' for the purposes of formally receiving the application and commencing the determination time period. It may also be appropriate to include provisions for pausing or extending the determination period when further information is required from the applicant at any stage of the assessment process.

Meeting quorum

Current regulations require a quorum to be three members including the presiding member, another specialist member and a local government member. There have been occasions when a DAP has been unable to achieve a quorum. Greater flexibility in terms of what constitutes a quorum is required to ensure panels proceed to meet and deal with applications in a timely way.

It is proposed that three members of a panel, regardless of their membership type, constitute a quorum. One of these members would need to meet the requirements to act as a presiding member.

Presiding member

When the presiding and deputy presiding member are unable to attend a meeting (due to illness, absence or other cause), it is proposed that another specialist member, who has experience and a tertiary qualification in planning, may act as presiding member. This will help meetings occur as scheduled, ensuring applications are dealt with in a timely manner.

Special members pool

Currently, specialist members including presiding and deputy presiding members are appointed to a specific panel. It is proposed that three pools be created and members appointed to either the metropolitan pool, or a northern regional or southern regional pool.

Local government members would continue to be appointed to a specific panel.

4.0

Governance and administrative reform

In addition to the statutory planning reform initiatives outlined in Section 3, a number of initiatives have been identified with the potential to deliver significant reform of the governance and administration of the Western Australian planning system at both the State and local level.

4.1

Design and development

The Department of Planning and the Western Australian Planning Commission (WAPC) have a number of projects that set out the Government's intended vision for properly planned and coordinated growth. In 2012, a new draft *State Planning Strategy* was released, the *Capital City Planning Framework* was finalised and work has progressed on the next Directions strategy, collectively planning for Perth and Peel as a city of 3.5 million people.

A Directions 2031 a 'Diverse City by Design' tool kit is also being developed, providing fact sheets and best-practice case studies regarding developing attractive and affordable housing at higher densities.

There is also a role for industry, professional associations and universities to play in communicating the vision for Perth and our regional cities, and in sharing and advocating for best practice in planning and design.

Some potential planning reform opportunities to deliver better built form and place design outcomes include:

- the development of a State Planning Policy, design manual or scheme provisions enshrining the importance of, and principles for, quality design, including architectural, urban, landscape and environmentally sensitive design;
- for local governments to establish design advisory panels and/or 'city architects' positions (for larger/urban local governments);
- for development applications over certain thresholds (e.g. multi storey office or apartment developments) to be assessed by a design review panel prior to determination by a Development Assessment Panel; and
- to amend the Multi-Unit Housing R-Codes provisions to require multi-unit housing to be designed by a qualified, registered architect.

Comment is sought on these concepts and any other proposals to improve the design and development across Western Australia.



4.2

Role of the Western Australian Planning Commission (WAPC)

A central reason for the creation of the WAPC was to give greater emphasis to statewide regional land use planning. The WAPC is the statutory authority with statewide responsibilities for urban, rural and regional land use planning, which includes coordination and integration of land use and transport planning, economic and infrastructure development, environmental planning and urban and regional development.

Following the appointment of a new three-year term WAPC Chair, an internal review of the role and function of the WAPC will be completed to ensure that the WAPC has sufficient capacity and flexibility to perform its key strategic functions in statewide urban and regional planning. The review report and recommendations will be made available once completed, however the key objectives are:

- to clarify that the WAPC's primary role and responsibility is the administration of integrated statutory and strategic planning responsibilities throughout the State;
- for the WAPC to operate more effectively as a separate board of management from the Department of Planning and take a more strategic focus towards the planning and development of the State;
- to ensure appropriate induction, ongoing training and professionalism of the WAPC members, including training in statutory decision making, having an up to date induction manual and code of conduct and appropriate protocols and practices in place; and
- to review the structure and membership of the WAPC and its committees, ensure that the WAPC includes a broad range of expertise, including expertise in strategic planning, finance, infrastructure, housing, design and the environment.



4.3

Improve the function of the Infrastructure Coordinating Committee

The Infrastructure Coordinating Committee (ICC) is established under the *Planning and Development Act 2005* to advise the WAPC on planning for the provision of physical and community infrastructure throughout the State and to perform delegated functions of the WAPC. The Committee membership includes the heads of all infrastructure related government departments as well as representatives of the WAPC and local government.

Western Australia is facing increasing infrastructure pressures as the population grows, costs of infrastructure provision increase, technology changes, and community expectations grow. The role of the ICC in planning and improving the efficiency of infrastructure investment needs to be recognised as increasingly critical to the WAPC's function of strategic integrated land use planning.

Similarly to the review of the WAPC, it is also proposed to review the role and function of the ICC; clarify the type of matters with which the ICC should be involved; develop guiding principles and terms of reference; and develop a 12-month work program.

It is also proposed to review the membership of the ICC to ensure it has a high level strategic focus, including representatives from the departments of Premier and Cabinet, Treasury, State Development, Regional Development, Planning, Transport and Housing. Non-government expert membership could also be included.

In addition, the Department of Planning has also recently established a Senior Officers Group for infrastructure planning, which includes senior staff from government departments and infrastructure agencies, which meets regularly to improve information sharing and integration of infrastructure projects and policies across government.

4.4

Local government planning accreditation

Consideration is being given to the establishment of a planning accreditation system for local governments to formalise induction, training and professional development. Accredited local governments may then receive an increase in the range and volume of planning decisions and functions delegated to them from the Department of Planning and the WAPC.

The accreditation system would include options for training and development of local government councillors and officers and be based on the following factors:

- alignment of local planning framework to State planning objectives and policies;
- currency (age) of local planning scheme and policies;
- adoption of best practice and planning reform initiatives;
- qualifications and experience of planning staff;
- training of all councillors on statutory planning decision making;
- levels of delegation of planning decisions by council to planning staff;
- public accessibility of information on local planning and development applications; and
- annual audit results - such as meeting key performance indicators - or development application timeframes and analysis of State Administrative Tribunal appeals.

4.5

Funding of region planning schemes and initiatives

The Metropolitan Region Improvement Fund (MRIF) was established in 1960 to fund the delivery of the Metropolitan Region Scheme, particularly the reservation of land under the MRS and the costs of acquisition and maintenance of regional reserves. The MRIF is financed by a land tax known as the Metropolitan Region Improvement Tax (MRIT).

The MRIF and MRIT are only available for funding of the Metropolitan Region Scheme in the Perth metropolitan area. Under the current legislative provisions, there is no funding available from the MRIF for region planning schemes, including the Peel Region Scheme and the Greater Bunbury Region Scheme, or other regional planning initiatives, including improvement schemes, in other areas of the State.

The capacity to reserve land for both regional open space and land for major infrastructure projects continues to be of high importance in both regional and metropolitan areas, particularly in areas of high population and economic growth. Funding to acquire such land is becoming increasingly important.

It is proposed to consider options for funding of other region planning schemes and improvement schemes in areas of the State outside the Perth metropolitan area. One option to achieve this is to legislate to expand the application of a Region Improvement Tax to other parts of the State and establish separate region improvement funds for different regions.

4.6

Administrative review of the *Planning and Development Act 2005*

An administrative review has been undertaken of the operational effectiveness of the *Planning and Development Act 2005*, which will be integrated with the Phase Two Reform agenda. The review examined specific sections and wording within the Act to identify opportunities for improvement. It was not a strategic review of the structure, content or issues covered by the Act. Due to the level of detail required, the review of the Planning and Development Act is the subject of a separate report (see www.planning.wa.gov.au/planningreform), however the key objectives of the review are summarised below:

- identify the specific provisions that do not operate satisfactorily and the reasons for such deficiencies;
- identify and recommend measures to ameliorate ambiguities in drafting or resulting from judicial interpretation;
- recommend amendments that would improve the efficiency and effectiveness in the operation of the Act; and
- consider other key matters and issues relevant to the operation and effectiveness of the Act, including, but not limited to, those matters identified in this Discussion Paper.

5.0

Consultation and next steps

This Discussion Paper identifies opportunities to reform and improve the Western Australian State and local planning frameworks, for public consideration and comment.

The initiatives outlined in this paper are not the Government's final Phase Two planning reform agenda. Further consideration of the initiatives, taking into account public comment, is required prior to Cabinet review.

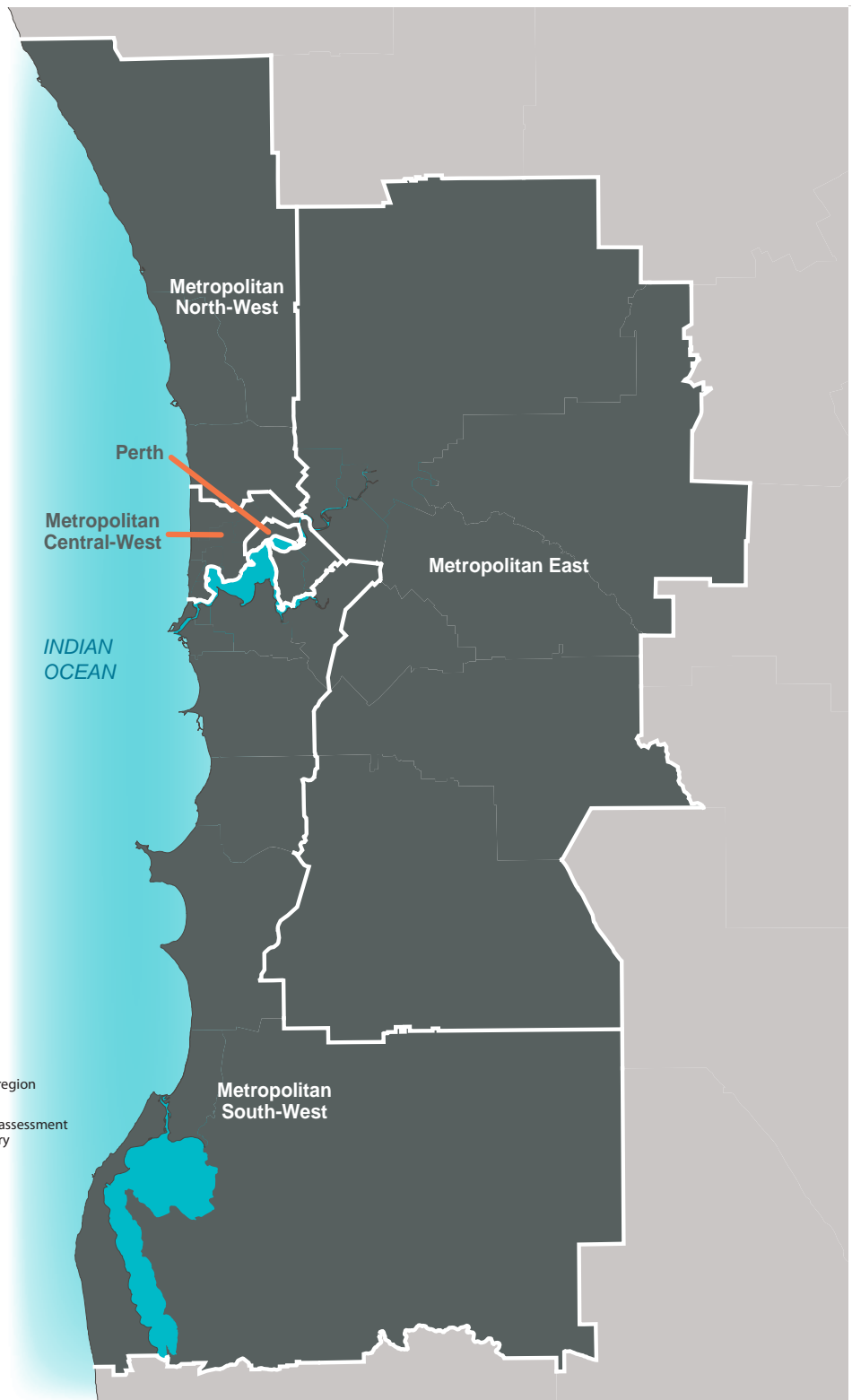
Stakeholder and public comment is invited on the planning reform initiatives outlined in this Discussion Paper, in both Section 3 – Statutory Planning Reform and Section 4 – Governance and Administrative Reform. Comment is also encouraged on other opportunities for reforming the Western Australian planning system and the improvements or benefits such initiatives would provide.

Following consideration of all submissions received during the public comment period, a report will be prepared for the WAPC and the Minister for Planning. It will provide a detailed summary of the comments received, and the recommended final reform agenda. The Government will then consider and announce its Phase Two Planning Reform Agenda and an implementation program. Further consultation will be undertaken as specific reforms are further defined and implemented.

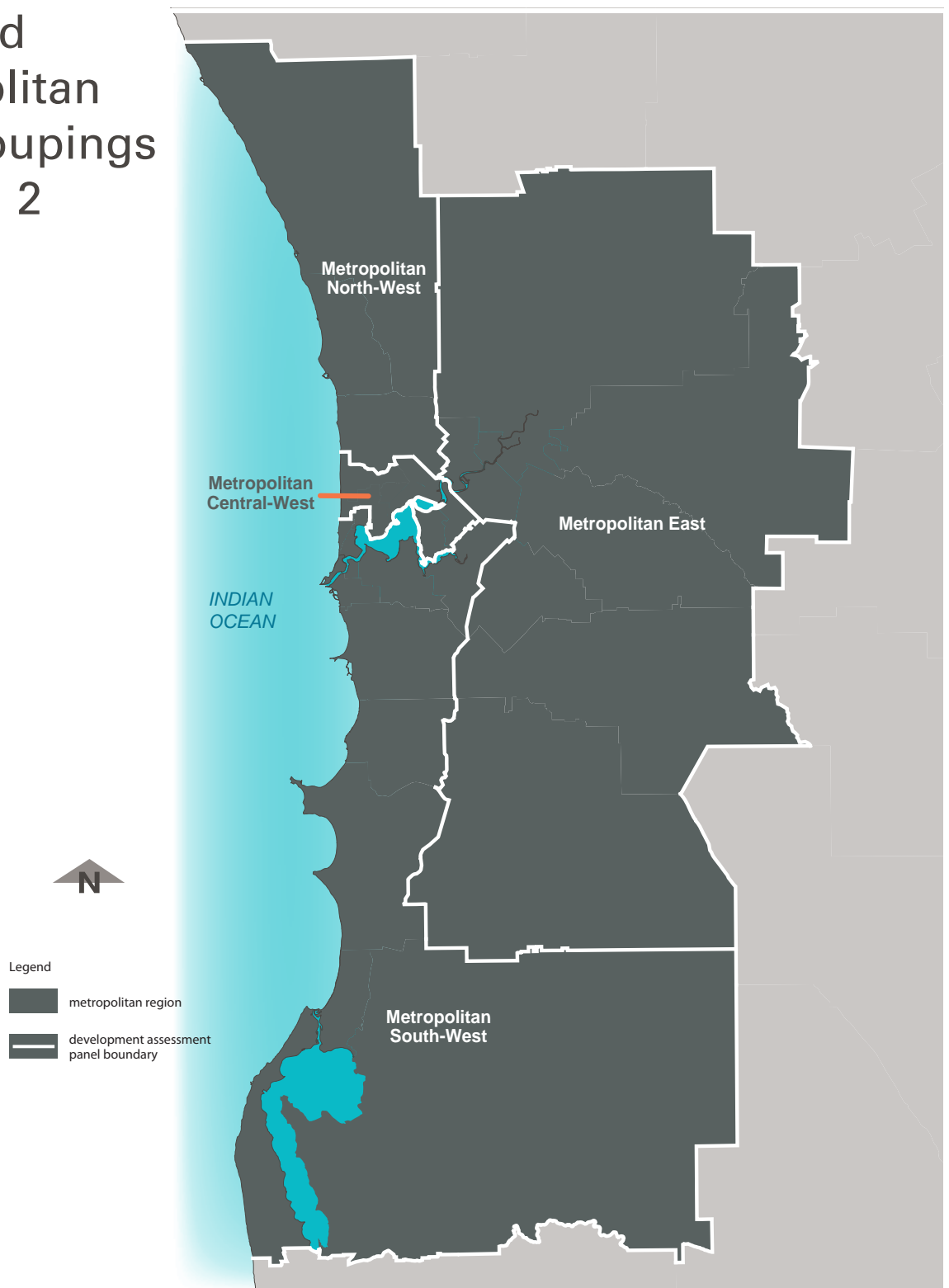
Comments and submissions should be emailed to planningreform@planning.wa.gov.au or submitted online at www.planning.wa.gov.au/planningreform by Friday 13 December 2013.



Proposed Metropolitan DAP Groupings – Option 1



Proposed Metropolitan DAP Groupings – Option 2

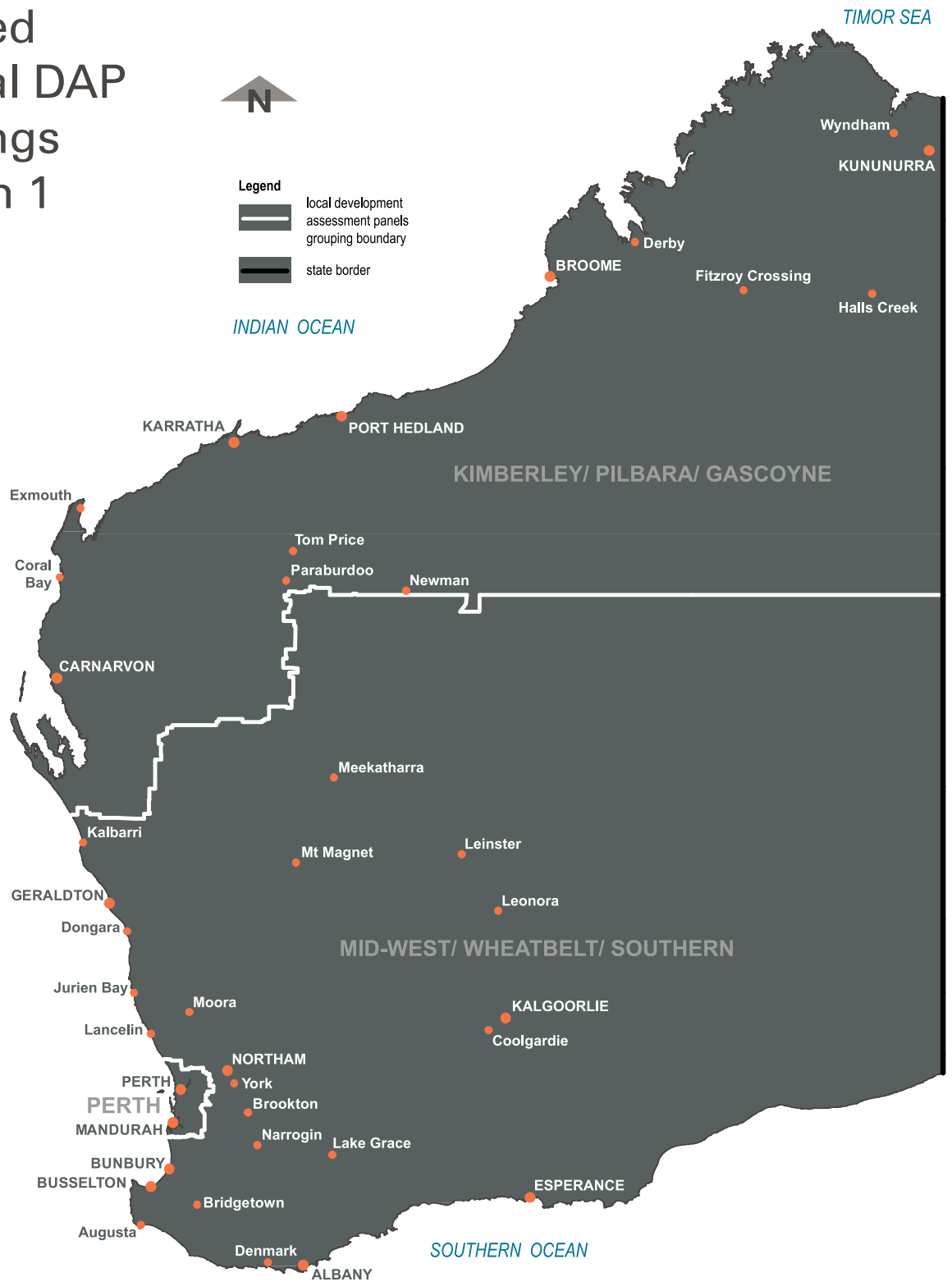


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Proposed Regional DAP Groupings – Option 1

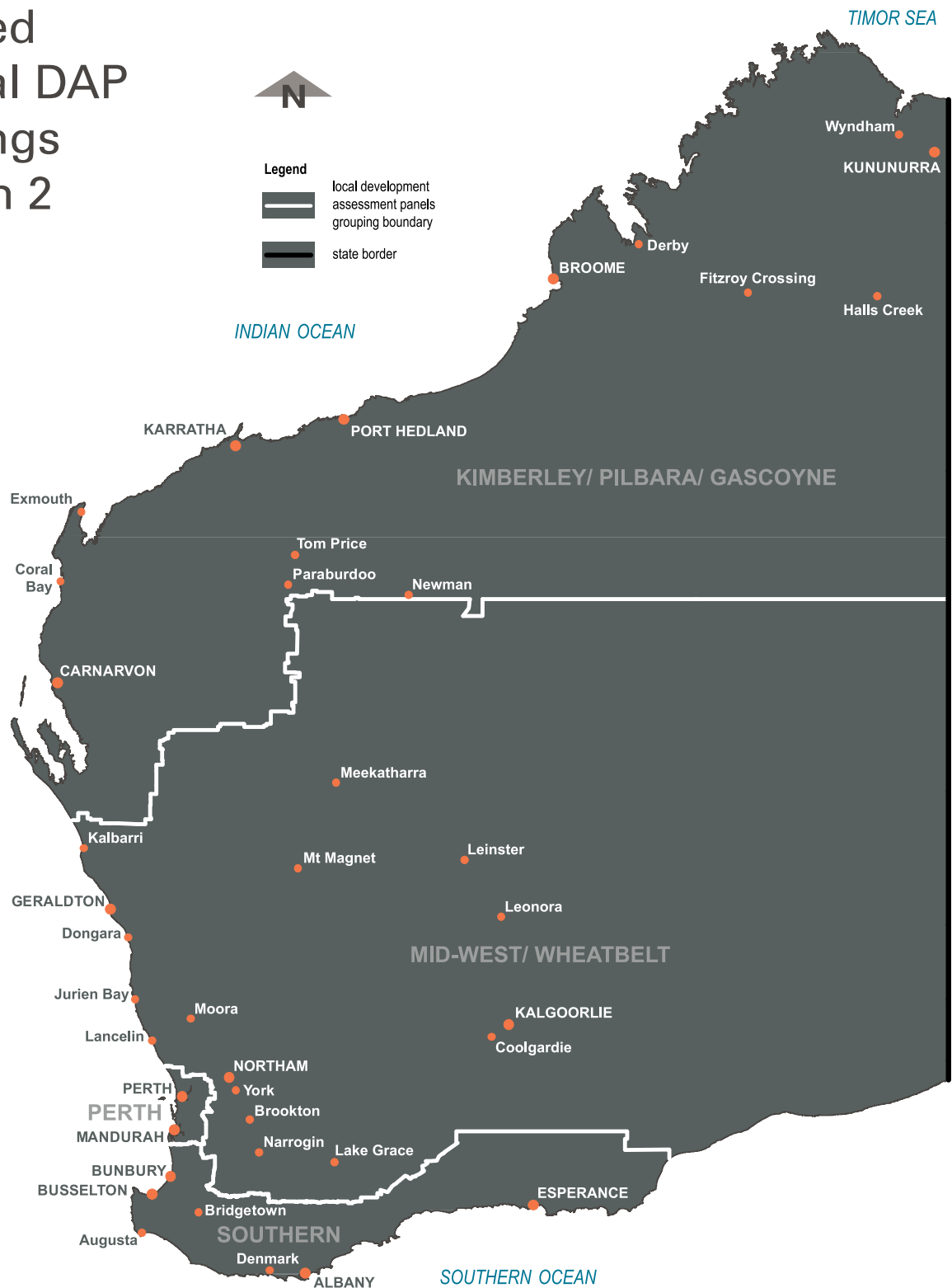


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Proposed Regional DAP Groupings – Option 2



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