



### *Context*

The need for reform of the planning system was recognised and actioned by the Western Australian Government in 2009 as the existing planning regime was unable to respond efficiently to the pressures of sustained economic and population growth in the state. The planning approvals process has become increasingly complex over recent decades and it was difficult to balance the competing demands of environmental, economic and social considerations as well as the impacts of land use and development.

The planning reform agenda seeks to simplify the approvals process, reduce timelines and provide greater certainty and accountability in the planning processes. An efficient planning approvals process is critical to the future of the state as it provides certainty for investment, has the flexibility to respond to innovation and is able to deliver strategic outcomes to support development by balancing urban growth, land release and urban renewals with adequate infrastructure provision.

Recent amendments to the *Planning and Development Act (2005)* are designed to make the planning system more consistent and efficient and while progress has been made in the reform agenda there are critical outstanding issues which remain challenging for the development industry.

### *Implementation of planning reform*

The planning reform agenda is articulated in *Planning Makes it Happen - A Blueprint for Planning Reform* (Department of Planning, September 2009) which details a range of strategic priorities to improve the planning system. The *Approvals and Related Reforms (No.4) (Planning) Act 2010* was subsequently introduced to implement the reforms and include:

- extension of the use of existing strategic instruments, such as improvement plans and planning control areas;
- a mechanism for local planning schemes to be updated to implement State Planning Policies;
- heads of power for the introduction of Development Assessment Panels;
- a clearer head of power for the use of documents ancillary to planning schemes, such as structure plans and detailed area plans.

While these and other regulatory reforms are welcomed, at this point in time they have had limited impact on development timeframes and greater efficiencies and cost savings for industry are yet to be demonstrated. There are a number of key outstanding issues that require immediate resolution and principal among these are the provisions related to the preparation and operation of structure plans and model subdivision conditions. The reform process for both these items has been protracted and requires immediate attention as the improved efficiencies stemming from the reforms are expected to have a positive impact on housing affordability through shortened approval times and reduced delays in clearing conditions.

The planning reform agenda acknowledged the need to reduce and simplify model conditions however the project is failing to deliver more than an administrative review of the existing conditions. The recent extension of the model conditions review to address industry concerns should help resolve the ongoing tensions with this issue. The concern for industry is the application of complex and unnecessary conditions. Developments which are subject to poorly constructed, conflicting and irrelevant subdivision conditions suffer lengthy delays which have a severe negative impact on land supply and housing affordability. Conditions can also be duplicated on other approvals, for example environmental conditions covered by a ministerial assessment might also be imposed on a subdivision approval. The Department of Planning must use its delegated authority to make decisions about conditions and remove those that do not ensure desired outcomes. Local governments also have a responsibility to use the model conditions and not invent their own. The Department must clearly communicate the rationale for decisions to the assessing officers to ensure model conditions are applied consistently and rationally.



Industry supports the current comprehensive review of structure planning however it is critical that this project and the review of General Provisions for Local Planning Schemes (GPLPS) Regulations be finalised promptly. During the review period, there has been an inconsistent approach to the assessment of structure plans with some assessments being made under the existing regulations while in other cases the draft structure plan guidelines have been applied. This has resulted in inconsistencies between the requirements of the Department of Planning, or between planning officers within the DoP, and local authorities which are time consuming and costly to address.

The outcomes of the review are encouraging and the simplified requirements and shared mapping are expected to deliver considerable time and cost savings. The guidelines are critical to the application of the legislative changes and both projects must be finalised without delay so that the benefits of the reforms are passed on to the community.

To meet its commitment to the national reform agenda, the government must release the Outer Metropolitan and Central Metropolitan sub-regional strategies that underpin *Directions 2031* and inform the Urban Development Program. An integrated land use and infrastructure planning framework relies on the sub-regional strategies to provide greater certainty to both the government and industry for investment decisions and forward planning. The lack of consultation with industry in finalising the strategies is a concern as better outcomes will be achieved where there is an open exchange of information and input and where there is a clear understanding of future land availability. Industry recommends the government provide an update on the sub-regional strategies to discuss the structure and implementation components of the documents prior to finalising them. The documents should then be released without further delay.

#### *UDIA policy position*

It is the policy of UDIA to:

- Advocate that subdivision conditions be fit for purpose;
- Advocate that subdivision conditions relate only to the development seeking approval;
- Advocate that subdivision conditions do not duplicate conditions imposed on other approvals (non-planning) or requirements that exist under separate legislation;
- Advocate that subdivision conditions are clear so that proponents and approval agencies understand requirements;
- Advocate that subdivision conditions are not imposed where there is no appropriate head of power ;
- Advocate that the phrase “to the satisfaction of” be disallowed in the application of subdivision conditions;
- Advocate that LG respond to WAPC using model conditions;
- Advocate that the review of structure planning guidelines and the General Provisions for Local Planning Schemes (GPLPS) Regulations project be supported and implemented without delay;
- Advocate to its members that any inconsistencies in the application of the revised structure planning guidelines between WAPC and local authorities be brought to the attention of WAPC;
- Recommend that the WAPC seek industry input to the Outer Metropolitan and Central Metropolitan sub-regional strategies prior to finalisation;
- Recommend that the sub-regional strategies are released with out further delay once finalised.

# POSITION STATEMENT

## PLANNING REFORM



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This Position Statement articulates UDIA's current policy position and supersedes any other UDIA policy statement.

<b>Committee Review</b>	<b>Endorsed by Council</b>	<b>Policy Review</b>
	July 2011	